

Kukpi7 Judy Wilson Oral Closing Submission

Calgary, Alberta November 26<sup>th</sup>, 2018

**CHECK AGAINST DELIVERY**

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1. I am Chief Judy Wilson, the Secretary- Treasurer on the Union of BC Indian Chiefs Executive.
2. I am here on behalf of the Union of BC Indian Chiefs.
3. I am also a survivor. My sister was murdered 23 years ago. My mother and brother told their story at the hearings in Vancouver, for the first time. I am here to **ensure that their stories, and the stories of others do not go silent, and that justice is realized for everyone.**

**What is UBCIC?**

4. The UBCIC represents First Nations in British Columbia. We are dedicated to affirming and defending the inherent Title and Rights of First Nations people.

5. The UBCIC is made up of representatives elected by band councils of BC. Currently over half the first nations in BC are represented by UBCIC.
6. The UBCIC is the only **organization of Chiefs** in BC that has been granted standing in this Inquiry.
7. The UBCIC was formed in 1969 in response to the “White Paper”, which tried to be Canada’s “final” solution to the “Native Problem”. The **main goal of the White Paper** was to **lay out a plan for Aboriginal Title and Rights to be extinguished**, either through treaties or through governments imposing their will.
8. True respect for aboriginal peoples requires that their **inherent Title and Rights** be **recognized and respected without being extinguished**.
9. Displacement of Indigenous peoples from their territorial lands has resulted in **state controlled reserve systems, dependency, and poverty**.
10. The UBCIC advocates locally, provincially, federally and around the world to demand that the **colonial government meet its obligations to finally restore Indigenous people with the security and liberty** they had before being colonized.

11. Governments must take every ordinary and extraordinary step to continue the healing and reconciliation of Aboriginal people. **This includes repudiating genocidal doctrines of discovery and superiority, and respecting our rights to our lands and our own ways of living.**
12. Currently, UBCIC is involved in the **implementation of the UN Declaration** on the Rights of Indigenous Peoples. This week we released a paper titled “**True, Lasting Reconciliation**” a paper that guides the BC government on **implementing the UN Declaration**. This paper outlines steps for the government to take in **addressing its unfinished business in decolonizing our lands and our way of life.**
13. Canada has ratified 7 major UN human rights treaties:
  - a. International Convention on the Elimination of All Forms of Racial Discrimination
  - b. International Covenant on Civil and Political Rights
  - c. International Covenant on Economic, Social and Cultural Rights
  - d. Convention on the Elimination of All Forms of Discrimination against Women

- e. Convention against Torture and Other Cruel or Degrading Treatment or Punishment
  - f. Convention on the Rights of the Child
  - g. International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families
14. The UBCIC will continue to make **all efforts to ensure Canada complies** with all of its international obligations.
15. The Truth and Reconciliation calls to action cannot be implemented without the UN Declaration being fully adopted and implemented without qualification.

### **UBCIC and Indigenous Women and Girls**

16. Prime Minister Justin Trudeau has said he wants a new relationship with Indigenous peoples based on **rights, respect, co-operation and partnership**. Mr. Trudeau has betrayed his election-time promises to Indigenous peoples, **like buying a pipeline that crosses our beautiful Secwepemc territories without our consent**.

17. Mr. Trudeau's government has **taken the first nations to court**, and gone around the will of First Nations people. We want governments we can rely on in all cases, not just when it suits them.
18. On the issue of missing Indigenous women and girls, **the government has not done enough.**
19. The government spared no effort in colonizing our land and brutalizing our people. They used and **continue to use every legal and illegal tactic** to keep our people in their **colonial courts, fighting for clean water, our land, our children.** They kidnapped our children into residential schools and now the child welfare system. They use tremendous efforts and resources to hold us down and prop themselves up.
20. But when we ask for help, we hear, 'that's too expensive', 'solutions are too complex'. The government spares no expense and effort to keep us down and erase us. Pipelines are complex and expensive. But the government finds a way. **If we are in the new "era of reconciliation" the government must stop making excuses and act** with the same dedication they used to colonize us.

21. The UBCIC's written closing submissions will focus on many issues, but today I am going to focus only on two systemic issues:
- a. police and Indigenous women and girls, and
  - b. support services for Indigenous women and girls.
22. Although some reports suggest as many as **3000 women and girls have gone missing and been murdered**, the data is unreliable and incomplete. Many women and girls have not been added to these lists. **Three thousand is a gross under-estimation.**
23. For years we have demanded action by government and police to properly investigate the murders and disappearances of Indigenous women and girls.
24. White women and girls do not worry about their safety the way Indigenous women and girls do.
25. I am inspired by the movements in various communities that have become allies in advocacy and fellow agitators for change.
26. For instance, **Idle No More** powerfully highlighted the many ways in which our people **experience discrimination, oppression, and especially police brutality.**

27. The '**Me Too**' movement has highlighted the everyday criminal treatment of women in all areas of life.
28. I stand with these movements, **amplify their voices, and raise my own voice** in solidarity to call for immediate change, justice, and equality for Indigenous women and girls.
29. For far too long the lives of Indigenous women and girls have been ignored. We will not stand for this anymore. I take strength and inspiration from these movements for change. There can be no more discussion about whether we are discriminated against and treated unfairly. **We are. And we want solutions NOW.** In fact, we wanted these solutions decades ago when we first began calling for a national inquiry.
30. The UBCIC received standing at the Missing Women Commission of Inquiry in BC, but **refused to participate because of a denial of just process.**<sup>1</sup> Indigenous women and our organizations were purposely excluded, denying our voices and our experiences once again.

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<sup>1</sup> Resolution 2011-29 and

31. The UBCIC has called for a national public inquiry with many of our sisters, and once again, **we were shut out by the process**. We were not able to meaningfully participate.
32. We are here today, to let you the Commissioners and the Government know, that after years of advocacy, from many others, and us to bring this Inquiry into being, this Inquiry is not enough. We expected more, we deserved more, and we will continue to demand more.
33. Indigenous people **have no confidence in the justice system**. Be it police, the courts, or lawmakers. Whether in the Downtown Eastside or the Highway of Tears, we have seen **lawmakers drag their heels and police turn a blind eye while women were** being murdered by the dozens.
34. It breaks my heart to **think of the hundreds of fathers, mothers, sisters and aunties** that have walked highways, riverbanks and forests looking for their daughters.
35. It is clear to me that the murders of Indigenous women and girls are not treated with respect and urgency.

36. Let me say in this forum, for you the Commissioners, and for the Government to hear, that **Indigenous women and girls will not be erased**, that we are strong, and we will demand justice every day, for all our days. **Our calls for justice will not be softened** with the closing of this Inquiry, but instead, this will be another platform on which we will stand to drum, sing, and call for justice.

### **Police and UBCIC**

37. The UBCIC has worked tirelessly to educate police on how to behave ethically. This is work we should not have to do. **Police treat Indigenous people as though being Indigenous is a crime.**

38. We have advocated for the appointment of an **Indigenous person as the Police Complaint Commissioner**, but this has not happened

39. We call for an end to the **practice of police investigating their own**. There must be police accountability for Indigenous people to have any faith in policing.

40. We need to look no further than the **case of Cindy Gladue to demonstrate** the shameful way in which the justice system treats Indigenous women.

41. An Edmonton jury acquitted **Bradley Barton in the violent death of Cindy Gladue**. Her physical remains were scrutinized inside the courtroom, which was a gross violation of her physical and spiritual integrity, and extremely hurtful to her family, to Indigenous women, and an affront to all.
42. The court proceedings were racist. How can we believe in the justice system when the highest court, the **Supreme Court of Canada agreed to hear an absurd appeal of her killer?** We will be keenly watching for their decision, but don't have high hopes.
43. We have lost many Indigenous and women and girls in horrific ways. **Robert Pickton murdered dozens of women with police just looking on.**
44. The Government called the Missing Women Commission of Inquiry, **led by Wally Oppal. That Inquiry is a study on 'how NOT to run an Inquiry.'** It marginalized the very groups and people affected by the missing women tragedy, it was plagued by scandal, and then issued a report that found no specific fault by any police officer, and held no one accountable for their mistakes.

45. To make matters worse, recommendations from the Commission have been largely ignored. **In 2016 the Auditor General released a report that found that the government has not been transparent in reporting its progress on implementing recommendations,** and has only implemented the **‘intent’ of 8 of the 23 recommendations.** And as far as the 8 that have been implemented, there has been very little consultation with stakeholders.

46. We strongly urge this Inquiry not to follow in the **footsteps of the Oppal Inquiry.**

47. This **Inquiry’s Institutional and Expert hearings process was not adequate** – it did not properly dive into the **systemic issues in the justice system which need to shift to bring about change.**

**48.** It is clear a National Inquiry into Missing and Murdered Indigenous Women and Girls **will likely not be re-called. This is why it is important that the Commissioners are brave and bold, and speak the truth to incite a societal shift in Canada.**

## **Police and Women – Deep Distrust and Lack of Help**

49. Given UBCIC’s history with policing issues, we can speak with authority that women and girls feel a deep distrust of police. And this deep distrust is justified.
50. Indigenous women have a higher vulnerability to violence simply because they live in a society that poses a risk to their safety.<sup>2</sup> **This statement deserves pause and reflection. This statement must be understood and internalized, especially by the police forces in BC and across Canada.**
51. We must ask the tough questions:
- a. What makes society more risky for indigenous women?
  - b. Who in society is directly responsible for this risk?
  - c. Who is indirectly responsible for this risk?
52. The Commissioners must answer these questions decisively. Politics must be put aside.

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<sup>2</sup> Beverly Jacobs & Andrea Williams, “Legacy of Residential Schools: Missing and Murdered Aboriginal Women” in Marlene Brant Castello, Linda Archibald & Mike DeGagne, eds, *From Truth to Reconciliation: Transforming the Legacy of Residential Schools* (Ottawa: Aboriginal Healing Foundation, 2008) 121, p. 134.

53. Indigenous women live in a **more dangerous world than the average person** and as such are deserving of the best protection from the state and its police forces.
54. This is not the case. In fact the opposite is often true. In the Report of Commissioner Oppal, he asked the question of whether “**police met their obligation to provide equal protection, specifically to vulnerable groups.**” He concluded that the police investigations of missing and murdered women and girls **did not live up to this obligation in several important ways.** However, Commissioner Oppal found that the “**failings are attributable neither to overt or intentional police bias nor to generalized institutional bias, but to the operating of negative stereotypes and systemic bias.**”<sup>3</sup> **Two and a half years, and \$10 million dollars, and all he came up with is a defense of the police, and their deliberate racist behavior.**
55. The UBCIC agrees with Commissioner Oppal on the latter, but not the former. **Indigenous people experience discrimination by police in every single way. I**

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<sup>3</sup> Foresaken: The report of the Missing Women Commission of Inquiry. Volume III page 56.

have experienced it. Believe me. Believe the stories you have heard.

56. We can only make lasting changes if the Commissioners believe women and girls when they tell you that the police are deeply **racist at every level**.

57. The Police forces in BC and Canada must lead the charge in mending the deep distrust between them and Indigenous women and girls.

58. In June Brenda Lucki, the RCMP Commissioner, **apologized to the families** and communities of missing and murdered woman and girls.

59. This apology was a welcome first step, that the RCMP **finally are recognizing their role in creating this crisis**, and are acknowledging that they need to do better. But apologies without action and without change are meaningless.

60. We call on each of you **Commissioners to speak truth to power and make recommendations that will make these statements more than hollow words**. We call on the Commissioners to make findings that **assign clear and specific responsibility for failures, and make effective recommendations that give all of**

us a road map to stop this loss of life. **ANYTHING LESS THAN THIS WOULD RENDER THIS INQUIRY A WASTE.**

### **Lack of Support Services**

61. Apart from help from police and the courts, Indigenous women **need support services.**
62. Supports for Indigenous women and girls, lack in quality, quantity, and relevancy.
63. When women and girls are seeking help from the police, it is because the harm they are facing, is about to be realized. These women and girls deserve and require help and supports long before issues in their lives reach a crisis point.
64. Indigenous women and girls need support services that are **indigenized** and **decolonized**. These support services must be driven by Indigenous people and grass roots organizations. Government programs that fail to consult with us, result in **meaningless programs that don't work**. The programs must ensure that as women and girls move through urban and rural areas, or through different stages of their lives,

their care is continuous, well-funded and responsive to the women and girls' changing needs.

65. The Commissioners are well aware of the issues women and girls face that are involved in the **child welfare system**. The Commissioners are also well aware of the issues girls **face as they 'age out' of the system**. This is just one issue we face, but a good example of an issue that has been widely and thoroughly discussed, but the government has not implemented enough changes.

66. We have seen child welfare systems treat women and children with no regard. We know that when Indigenous children are in care they are at risk of serious harm. **The state must STOP taking Indigenous children from our communities.** We know how to raise our families. And any disruption in this knowledge is because of residential schools and colonization. Support us in re-building our ways of life. And STOP taking our children from us.

67. Paying white people to raise our children, and often harm them, is residential school by another name.

68. Support Indigenous women and children and finally get on our side.

### **What now?**

69. So what now? For some people, the final days of the **Inquiry will provide closure**. But for many, it is just the beginning. For many, **if the Inquiry's report accurately reflects the concerns of the families and the community**, the report will be the first step on the journey to healing, truth and reconciliation.

70. It is not enough to simply repeat our stories and say you heard us. We need **ACTION**. **If no deep change comes from this Inquiry, the shameful legacy of Canada's treatment of Indigenous women and girls will continue**. And we have had **ENOUGH**.

71. The questions that we have for you today, are 'Now What?' - 'Where do we go from here?'

72. We ask that the Commissioners do everything they can to make bold recommendations and to ensure that the recommendations in the report are

implemented in a timely, thorough and urgent manner.

73. We ask that this Inquiry, continue to recognize the **various complex causes for marginalization**, deeply consider the role of the state that creates and maintains vulnerabilities of Indigenous women and girls, and inspire all levels of government to afford not just basic, but the very best quality of rights for Indigenous women and girls.

74. And of utmost importance, to re-cast Indigenous women and girls as valuable members of Canadian society that hold positions of high regard including and as givers of life.

The Canadian state has **been perpetuating violence against Indigenous women and girls since contact**. This is a **position that the State has benefitted from by stealing our lands, territories and resources, and this violence at a State and individual level continues today**. We call on this inquiry to hold the government accountable for these gross acts of injustice and purposeful marginalization and exclusion. **Reclaim this Inquiry for people to speak their truth; Create a safe**

**space and clear a path for all the people here today to feel safe; Encourage everyone to listen to one another and continue to fight for justice.**