

# **Annex 1A to Canada's observations**

**January 15, 2014**

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## Introduction

1. From September 9<sup>th</sup> to 13<sup>th</sup>, 2013, the Committee on the Elimination of Discrimination against Women visited Canada to further its inquiry into the issue of missing and murdered Aboriginal women, initiated under Article 8 of the *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women* (the Convention).
2. On October 28, 2013, the Committee requested that Canada provide additional information by December 15, 2013, with regard to several enquiries that were addressed in Canada's previous submissions to the Committee and during the Committee's visit to Canada (the "Committee's follow-up questions"). Canada provides the following information in response.
3. In Canada's responses to the follow-up questions, the Committee is provided with information on some of the relevant general and specific measures currently being undertaken at the various levels of government in Canada, beginning with federal initiatives, where relevant, and followed by provincial and territorial initiatives, in geographical order from west to east.

## Follow-up Information

### QUESTION 1: GENERAL POLICY MEASURES

*The Government indicates in its submission of September 2013 that several provinces and territories have chosen to develop their own action plans for dealing with violence against Aboriginal women which are currently in the course of being implemented.*

- a) *Please indicate which provinces have developed their own action plan, provide the content of these action plans and provide information on the progress in their implementation.*
- b) *Please describe the measures taken to dialogue with representatives of the Aboriginal community prior to developing each of these actions plans and to which extent the recommendations and proposals of the Aboriginal community representatives have been taken into account in this regard?*
- c) *Please indicate the measures taken to encourage other provinces to do so and, to the extent possible, to ensure harmonization between the different action plans.*

### Action Plans

4. In January 2012, Federal, Provincial, and Territorial (FPT) Ministers Responsible for Justice and Public Safety agreed to take a common approach to address violence against Aboriginal women and girls. Ministers directed senior justice officials (led by the province of British Columbia) to develop a justice framework to help guide individual and collective action on the issue. The framework will encourage jurisdictions to harmonize and coordinate their activities, where appropriate. It will also be flexible enough for each jurisdiction to work with their Aboriginal groups and other partners to develop responses that meet local needs. In November 2013, Ministers approved the draft justice framework for public release and directed officials to engage Aboriginal groups and other partners in dialogue over the next year. Officials will revise the draft framework, based on feedback from the dialogues, and report back to Ministers in one year on the

development and implementation of the FPT Justice Framework to Address Violence against Aboriginal Women and Girls.<sup>1</sup>

5. While a national-level action plan may appear desirable to some and while there are clear benefits to coordination among agencies and service-providers, it is also evident that community-based, locally driven responses which reflect the circumstances, needs, and priorities of those most affected by violence against Aboriginal women are key instruments in resolving this issue. To this end, some provinces and territories have chosen to adopt their own action plans, which will be described below.

#### *British Columbia*

6. A Status Report on Forsaken – The Report of the Missing Women Commission of Inquiry (MWCI Report) was recently released (November 2013). The Status Report provides an overview of activities undertaken by the province since the release of the MWCI Report. The Status Report captures the recommendations in three broad categories: 1) safety and support for vulnerable women; 2) an effective and accessible justice system; and 3) legacy and healing. Advancements on issues in each of these areas have been made, with more to come.<sup>2</sup>
7. In October 2012, the Provincial Office of Domestic Violence<sup>3</sup> released *Taking Action on Domestic Violence in British Columbia*,<sup>4</sup> in response to the March 2012 Report of the Representative for Children and Youth. The Office is also developing a comprehensive three-year plan, including an Aboriginal Strategy, to address domestic violence in British Columbia. Further information is provided on this action plan, under Question 2, below.

#### *Saskatchewan*

8. Saskatchewan has not developed a comprehensive action plan to address violence against Aboriginal women as such, but has taken many steps to implement reforms and initiatives on this topic. For example, Saskatchewan has pursued an Aboriginal Justice Strategy for about two decades which has four pillars: crime prevention and reduction; building bridges to Aboriginal communities through community-based justice development; employment equity and workplace inclusion; and self-determination and self-government.
9. These pillars have been the foundation of provincial efforts to work with Aboriginal groups to develop a community-based justice approach, one where services are delivered by or in partnership with community-based groups and institutions.
10. In addition to working collaboratively with First Nations and Métis groups, Saskatchewan has consistently engaged with the federal government in collaborative relationships that respond to the needs of communities. The federal government is a valued partner in delivering programs under the federal Aboriginal Justice Strategy, the Aboriginal Courtwork Program and the First Nations

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<sup>1</sup> For more information, please see British Columbia News Release:

<http://www.newsroom.gov.bc.ca/2013/11/bc-supports-justice-framework-for-aboriginal-women-and-girls.html>.

Please see the federal News Release at: <http://www.scics.gc.ca/english/conferences.asp?a=viewdocument&id=2117>.

<sup>2</sup> See copy of Report: [http://www.ag.gov.bc.ca/public\\_inquiries/docs/BCGovStatusReport.pdf](http://www.ag.gov.bc.ca/public_inquiries/docs/BCGovStatusReport.pdf).

<sup>3</sup> For more information, please see: [www.mcf.gov.bc.ca/podv/index.htm](http://www.mcf.gov.bc.ca/podv/index.htm).

<sup>4</sup> For more information on the Action Plan, please see:

[http://www.mcf.gov.bc.ca/podv/pdf/domestic\\_violence\\_response\\_booklet.pdf](http://www.mcf.gov.bc.ca/podv/pdf/domestic_violence_response_booklet.pdf).

Policing Program. Saskatchewan continues to engage the federal government and actively pursue enhanced federal funding.

11. Further, recommendations from the 2004 First Nations and Métis Peoples Justice Reform Commission have provided a framework for developing a provincial response to violence against Aboriginal women.

#### *Manitoba*

12. In September 2009, Manitoba partnered with Aboriginal organizations and front-line service agencies to form the Manitoba Action Group on Exploited and Vulnerable Women and Girls (MAG). MAG provides strategic advice to the province in developing new policies to address the crisis of abused and exploited women in Manitoba.
13. The Exploited Persons Pro-Active Team is an operational, non-enforcement team that will implement strategies throughout Manitoba to help minimize the risk of having potentially exploited persons go missing or become the victim of foul play. This team will work in partnership with various groups and agencies that are already providing support and services for potentially exploited persons.

#### *Ontario*

14. Ontario formed a Joint Working Group on Violence against Aboriginal Women in 2010 that consists of representatives from 10 ministries and 5 Aboriginal organizations. The mandate of the Joint Working Group is to identify priorities and opportunities for support, development and implementation of policies, programs and services that prevent and reduce violence against Aboriginal women and their families. In doing so, the working group is guided by the province's *Strategic Framework to End Violence against Aboriginal Women*. The Strategic Framework was developed in 2007 by the Ontario Federation of Indian Friendship Centres (OFIFC) and the Ontario Native Women's Association (ONWA), following a provincial summit on issues and possible solutions to end violence against Aboriginal women. The Strategic Framework provides guiding principles and specific actions to end violence against Aboriginal women.
15. Government ministries have taken action in response to the Strategic Framework, including by:
  - providing funding for public education, training and Aboriginal women's leadership development;
  - providing funding of a pilot project for the Aboriginal Sexual Violence Community Response Initiative. The pilot is examining existing institutional responses and supports for Aboriginal women and girls who have experienced sexual violence in four Aboriginal communities;
  - providing funding to Aboriginal organizations for Talk 4 Healing, a helpline for Aboriginal women. The helpline was launched in 2012 and provides culturally-appropriate crisis support and referral services for Aboriginal women affected by violence in remote and isolated communities; and
  - establishing a fund for Aboriginal organizations to help Aboriginal victims of crime by increasing access to supports that are culturally-relevant and community-based. Aboriginal women who have experienced violence are a particular focus.

16. Two sub-committees of the Joint Working Group have been established. The sub-committee on Human Trafficking is examining research and best practices to develop options to prevent and respond to the human trafficking of Aboriginal women and girls. The sub-committee on Data Collection and Information Sharing is examining current data collected on violence against Aboriginal women and exploring issues and challenges in data collection practices. Copies of the Joint Working Group's progress reports over the last two years are attached to the present response as Annexes 1<sup>5</sup> and 2.<sup>6</sup>
17. In January 2013, Ontario announced its plans to work with First Nations, Métis, Inuit and urban Aboriginal peoples to develop an Aboriginal Children and Youth Strategy to improve outcomes and opportunities for First Nation, Métis, Inuit and urban Aboriginal children and youth.
18. The focus of Ontario's Aboriginal Child and Youth Strategy is to enable Aboriginal-led solutions and build community-driven, culturally-appropriate and accessible supports for First Nations, Métis, Inuit and urban Aboriginal children and youth.
19. The Ministry of Children and Youth Services is working directly with First Nations, Métis, Inuit and urban Aboriginal partners through technical and community-based processes to develop a proposal for the Strategy. Preventing violence against Aboriginal mothers and girls has been identified as a priority area.
20. Once developed, the proposed Strategy will be presented to First Nations and Aboriginal leadership for their review, with a target date of December 2014.

#### *Quebec*

21. In Quebec, the 2004-2009 Government Action Plan on Domestic Violence contained 11 government commitments for the prevention and elimination of acts of domestic violence in Aboriginal communities and on psychosocial, legal and correctional interventions.
22. The main results relating to Aboriginal people include the following:
  - awareness activities were carried out by and for Aboriginal communities;
  - funded organizations are working with Aboriginal peoples;
  - information brochures were distributed for schools;
  - information was provided on victim resources;
  - updated information on psychosocial services was offered to victims;
  - a seminar was held for Aboriginal police. One workshop in this seminar related to police intervention in domestic violence cases; and
  - research was funded on Aboriginal women and domestic violence in Quebec.
23. The 2012-2017 Government Action Plan on Domestic Violence proposed a separate Aboriginal component containing 35 measures designed to meet the needs of victims, stakeholders and communities for awareness, prevention and training. These measures also aimed to have greater consultation between departments and agencies to foster better adapted and harmonized interventions. The concept of [translation] "family" has been added to the term [translation]

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<sup>5</sup> **Annex 1:** Progress Report of the Joint Working Group on Violence against Aboriginal Women, September 2012.

<sup>6</sup> **Annex 2:** Progress Report of the Joint Working Group on Violence against Aboriginal Women, October 2013.

“domestic” given the links that exist between the problem of domestic violence and other forms of violence experienced in Aboriginal families.

24. The 2008-2013 Government Action Plan on Sexual Assault includes an Aboriginal component, of which 13 measures specifically target Aboriginal women. Currently, work is under way on the final analysis of this action plan.

#### *New Brunswick*

25. New Brunswick has an *Action Plan on Violence Against Women* which is targeted to all women living in New Brunswick, including Aboriginal women. Among the notable accomplishments of the plan are the following:
- an abuse information page has been included in all New Brunswick phone books;
  - a Directory of Services was compiled and has been distributed to all family physicians, regional offices, transition houses, etc.;
  - the Woman Abuse, Child Abuse, and Adult Victims of Abuse Protocols have been updated and training provided to front-line staff is ongoing;
  - training of service providers, both government and community, has taken place around the province on the Woman Abuse Protocols; and
  - in 2007, New Brunswick officially opened its first Domestic Violence Court. The court is an integrated and holistic approach with all specialized service providers working in collaboration, e.g., risk/need assessment, treatment for perpetrators, victim services treatment for children and victims, and probation services.
26. The 2008 “Strategic Framework to End Violence against Wabanaki Women in New Brunswick” was developed by the Advisory Committee on Violence against Aboriginal Women. While not an “action plan” *per se*, the Strategic Framework provides contextual information on the extent of the problems of violence against Aboriginal women, and outlines potential actions in the areas of capacity building, prevention and education, and service delivery.
27. The document is intended to be used as a tool for provincial and federal governments, First Nation leaders, and Aboriginal and non-Aboriginal service providers and agencies to develop and implement actions in their respective and collaborative spheres.<sup>7</sup> The priorities of the Strategy Framework include building capacity within government to provide support and tripartite coordination to address violence against Aboriginal women, and address housing, mental health and addictions services, and policing and justice. Actions taken include the following:
- an Aboriginal Coordinator has been hired to oversee the implementation of the Strategic Framework;
  - in 2009, a New Brunswick Aboriginal Women Leaders Dialogue Forum was held on violence against the province’s Aboriginal women;
  - a three-day Symposium on Violence against Aboriginal Women was held in 2010 for service providers that focused on capacity-building and expanding the knowledge base on

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<sup>7</sup> For more information, please see: <http://www2.gnb.ca/content/dam/gnb/Departments/eco-bce/WI-DQF/pdf/en/wabanaki.pdf>.

violence against Aboriginal women in order to impact on the services provided to Aboriginal women in New Brunswick. Issues and subjects included: Aboriginal history, culture and current reality and how it impacts the lives of Aboriginal women; culturally-appropriate approaches and best practices in services, exploring partnerships among service providers who offer services to Aboriginal women experiencing violence; and developing capacity and expertise in responding to and addressing violence against Aboriginal women among service providers;

- an Aboriginal Police/Justice working group was established in 2009 to review training and protocols regarding violence against Aboriginal women. Its members include representatives from the Aboriginal community and officials from the departments of Policing Services, Justice, Victim Services, and Corrections. Its work will be integrated in an upcoming review of the Woman Abuse Protocols;
- on a 50-50 cost-sharing basis with the federal government, New Brunswick continues to fund Gignoo Transition House for Aboriginal women and their children who are leaving violent relationships. Gignoo provides culturally-appropriate programs and services to meet the needs of Aboriginal women and children in crisis, as well as addressing issues such as dating violence and parenting skills in the community and hosting symposiums for broader education of service providers. Aboriginal women have access to other transition houses throughout the province;
- New Brunswick's Aboriginal population is now specifically included in the Attitudinal Survey on Violence against Women. The survey measures the New Brunswick population's attitudes towards various forms of violence against women;
- a partnership was established with Women's Issues Branch, Partners for Youth and Burnt Church First Nation on a project related to the elimination of teen relationship violence. The goal of this project is the creation of a sustainable framework for youth-centered relationship violence prevention directed by a community action team and led by young women; and
- ensuring the issues relating to Aboriginal women are taken into account within the work of the New Brunswick Human Trafficking Working Group.

### *Nova Scotia*

28. In December 2010, Nova Scotia released its *Domestic Violence Action Plan*, a comprehensive set of actions intended to prioritize the safety of women and children, build service capacity to target the needs of those affected by domestic violence, including responding to inequities that affect the health and well-being of marginalized populations, strengthen the coordination and processing of programs and services to those impacted by domestic violence, and focus on building supportive environments to help prevent domestic violence from happening.
29. While the *Domestic Violence Action Plan* addresses all Nova Scotians, specific initiatives address Aboriginal women and girls. For example, actions underway include: continued funding to support the Mi'kmaw Legal Support Network, which offers a range of legal and support services to Aboriginal people; the design of a public awareness campaign including a culturally-distinct campaign for Aboriginal communities; commitment to explore options to provide second-stage



housing for Aboriginal women; and establishing collaborative linkages of the actions identified in the plan with those recommendations arising from the Tripartite Research Report on Family Violence in Aboriginal Communities.

#### *Yukon*

30. Yukon has recently completed the Yukon Sisters in Spirit project (YSIS), a collaborative project run by the Yukon Aboriginal Women's Council to address the issue of missing and murdered Aboriginal women in Yukon. The project was specifically developed to: 1) research the circumstances and events surrounding missing and murdered Aboriginal women from Yukon; 2) create resources for families and communities of missing and murdered Aboriginal women in Yukon; and 3) communicate with families of the women, and involve them in raising awareness of violence against Aboriginal women.
31. The YSIS project provided a voice for missing and murdered Aboriginal women, and their families. A major component of the initiative has been to remember, honour, and continue to value these sisters who are no longer with us, such that their memory will be kept alive. Since the project started, the project has built relationships with community members, organizations, and First Nations.

#### *Northwest Territories*

32. The Northwest Territories have taken various measures under their *Family Violence Action Plan*. During the first phase of this plan (2003-2008), the *Protection Against Family Violence Act* (PAFVA) was enacted; preliminary work was completed on the Yellowknife Interagency Family Violence Protocol; staff positions dedicated to addressing family violence were created at the Northwest Territories Departments of the Executive and Justice; and next steps for developing programming for persons who use violence in their intimate partner relationships were completed.
33. Key initiatives of phase II of the Action Plan (2008-2012) included the following:
  - stabilizing existing shelters;
  - developing a training program for shelter workers;
  - enhancing community services;
  - implementing a risk assessment tool (Ontario Domestic Assault Risk Assessment) – as per the spousal assault policy in the RCMP “G” Division; and
  - developing a program for men who use violence.
34. Ongoing priorities include:
  - piloting and evaluation of the newly developed 24-week program for those who use violence (see “WEK’ĒAHKAA: A New Day” Healing Program below);
  - a family violence social marketing campaign designed to address attitudes and change behaviours;
  - community outreach to non-shelter regions; and
  - funding to support programming for children who witness abuse.

## **Dialogue with representatives of Aboriginal communities**

35. All governments in Canada are committed to working with Aboriginal people and stakeholder organizations on measures to combat violence against Aboriginal women. Many of the prevention and protection programs discussed above and the awareness-raising initiatives discussed below in this response include a consultative or participatory role for Aboriginal women and organizations.
36. As will be described in greater detail below, provinces and territories in Canada that developed action plans to address violence against women, including Aboriginal women, have engaged in various forms of dialogue with representatives of Aboriginal communities, tribal and band councils, Aboriginal women's groups and organizations, Aboriginal people, including Aboriginal women, and families of missing and murdered Aboriginal women, as the case may be, in the course of the development and implementation of their respective plans.

### *British Columbia*

37. British Columbia remains committed to working collaboratively with other levels of government, police, communities, and families as it undertakes its work in response to the recommendations in the MWCI Report. This will include an engagement process involving the Minister's Advisory Council on Aboriginal Women, and targeted engagement of interested family members, community stakeholders, and others with expertise in areas such as providing services and supports to women in the Downtown Eastside, and working with Aboriginal communities and supporting Aboriginal women in urban and rural settings.

### *Saskatchewan*

38. Saskatchewan has developed or participated in several models for engaging Aboriginal communities, and worked with organizations such as the Federation of Saskatchewan Indian Nations and the Métis Nation-Saskatchewan, as well as Tribal Councils, individual bands and Aboriginal agencies. Examples include bilateral and tripartite processes, commissions and inquiries, advisory boards, justice conferences, and the Office of the Treaty Commissioner Treaty Table. These models focus on partnerships and mutual respect for roles and responsibilities and involve dialogue at virtually every level.

### *Manitoba*

39. In 2009 and 2010, Manitoba hosted a series of regional gatherings to expand on the 2008 Pitawik Roundtable, a day-long event that provided service providers representing the Aboriginal community with an opportunity to inform organizers of the National Aboriginal Women's Summit II of priority areas that need to be addressed from a Manitoba perspective. There were four gatherings in the Pitawik series: the first was held in The Pas on March 28, 2009; the second in Thompson on November 13-14, 2009; the third in Brandon on April 30-May 1, 2010; and the final gathering took place in Winnipeg on September 30 and October 1, 2010.
40. Nearly 350 Aboriginal women from these communities and surrounding areas came together at the events to identify priorities and propose ways to address the needs of Aboriginal women from their regional perspectives. The perspectives shared by Pitawik participants are informing Manitoba's response in further addressing the recommendations developed at the National Aboriginal Women's Summits I and II. Through the Pitawik process, Manitoba is developing a meaningful approach to the important issues facing First Nations, Métis and Inuit women in this province.

41. First Nations Community Liaison (FNCL) was established in August 2009 to enhance the ability for First Nations leadership, community members and members of the RCMP to foster current and pursue new avenues of effective communication. The FNCL works with First Nation communities in areas of suicide intervention (ASIST), restorative justice and human trafficking education and awareness and has a shared role of RCMP liaison for the Provincial Action Group for Vulnerable and Exploited Women. The FNCL also liaises regularly with the leadership and staff of Manitoba Keewatinowi Okimakanak and Southern Chiefs Organization.
42. A gathering of families of missing and murdered women took place in June 2010. Wiping Away the Tears provided a safe forum for family members to voice their experiences to government representatives and to bring forward recommendations to better address the issue.

#### *Ontario*

43. The Strategic Framework was developed by Aboriginal organizations to respond to violence against Aboriginal women in their communities, following the first provincial Summit to End Violence against Aboriginal Women in 2007. Since then, four subsequent summits on violence against Aboriginal women have been held and focused on the justice system, social assistance, children and youth, and education. Discussions at these summits have built upon and further defined the Strategic Framework.
44. Aboriginal organizations represented on the Joint Working Group include the Ontario Federation of Indian Friendship Centres (OFIFC), Ontario Native Women's Association (ONWA), Métis Nations of Ontario (MNO), Independent First Nations (IFN) and the Chiefs of Ontario. Aboriginal organizations and ministries on the Joint Working Group work together to identify policies, programs and services that respond to advancing the Strategic Framework.

#### *Quebec*

45. In Quebec, the government worked on issues affecting Aboriginal women with Aboriginal organizations, including Quebec Native Women, the First Nations of Quebec, the Labrador Health and Social Services Commission, le Regroupement des centres d'amitié autochtones, l'Association des services policiers autochtones and the various Aboriginal women's associations and shelters for Aboriginal women who are victims of violence.
46. For example, special consultations were held in April and June 2011 with different representatives of Aboriginal groups in order to involve them in the work leading up to the development of specific actions as part of the third Government *Action Plan on Domestic Violence* (2012-2017).

#### *New Brunswick*

47. With respect to dialogue with representatives of Aboriginal communities, the Strategic Framework was developed by the New Brunswick Advisory Committee on Violence against Aboriginal Women, which includes Maliseet and Mi'kmaq representatives from different areas of the province and Aboriginal organizations. This group was formed prior to, and participated in, the 2006 FPT Ministerial Policy Forum on Aboriginal Women, and it continues to meet.

### *Yukon*

48. Collaborative working relationships with other community groups, especially with the government of the Yukon and the RCMP, have been the cornerstone of the very important Yukon Sisters in Spirit (YSIS) project. These groups frequently demonstrated their support publicly by attending events and commemorative marches and through joint media efforts to raise awareness of the project and clarify some of its findings.
49. The YSIS project has relied heavily on inter-agency collaboration, cooperation and partnership, and likewise reached out to Yukon individuals, families and communities to share their stories about the circumstances and events surrounding the deaths and disappearances of these women, and the broader issue of violence against Aboriginal women. Without these important relationships with individuals, families, communities and agencies, the YSIS project could not have been realized.
50. In addition, Yukon has developed the Yukon Aboriginal Women's Summits (YAWS) Implementation, based on recommendations made by and for Aboriginal women in 2007 and 2012. Yukon works directly with Aboriginal women's groups on the implementation of recommendations that address Aboriginal women's equality and the root causes of violence against Aboriginal women.
51. In November 2007, the Government of Yukon and the Yukon Advisory Council on Women's Issues co-hosted a Yukon Aboriginal Women's Summit in Whitehorse and Watson Lake as a follow-up to the National Aboriginal Women's Summit. The goals were to communicate the outcomes of the National Aboriginal Women's Summit and to determine Yukon Aboriginal Women's priorities for furthering Aboriginal women's equality. In October 2012, the government of Yukon and the Yukon Advisory Council on Women's Issues co-hosted a second Yukon Aboriginal Women's Summit.
52. Further, the Women's Directorate has been working in partnership with Yukon Aboriginal women's groups and Yukon First Nations to develop a collaborative implementation plan to respond to some of the priority recommendations and key messages from YAWS I and II. From 2010-2013, \$450,000 was allotted to support 7 projects focused on implementing priorities from YAWS I. From 2013-2016, \$450,000 is committed to support recommendations made at YAWS II.

### *Northwest Territories*

53. The Family Violence Action Plan was developed through the collaboration of the Coalition Against Family Violence (CAFV) and the government of the Northwest Territories. The CAFV includes membership from community and Aboriginal organizations, including the Native Women's Association.

### **Harmonization**

54. Canada has established permanent and needs-based mechanisms to foster inter-governmental cooperation and coordination on various matters, including matters such as violence against Aboriginal women. The specific issue of violence against Aboriginal women is therefore addressed within an extensive network of intergovernmental committees and working groups focussed on domestic law and policy. Federal, provincial and territorial governments have been and continue to

consult across various tables and to coordinate their work on various aspects of prevention, protection, investigation and prosecution relating to Aboriginal women.

55. For example, federal, provincial and territorial jurisdictions have been collaborating to develop coordinated responses to address violence against Aboriginal women and girls. On November 14, 2013, FPT Ministers responsible for Justice and Public Safety approved the release of a Draft Framework to Address Violence against Aboriginal Women and Girls. The Draft Framework, which reflects issues identified in work by Aboriginal and other groups in numerous reports and consultations, is intended to help FPT justice officials, Aboriginal organizations, and other partners work together across the country and within their respective jurisdictions to find local solutions to address this serious issue. Additional information on the FPT Ministers draft framework is provided above, at paragraph 4 of the present response.
56. Because engagement with Aboriginal groups, communities and other partners is crucial, jurisdictions will engage with Aboriginal and other groups over the next year to develop the final collaborative justice framework to be submitted to FPT Ministers in fall 2014. Each government will be able to consider adapting the measures in the framework to address the unique needs and circumstances of Aboriginal women, families and communities.
57. In November 2013, FPT Ministers also received a report on the implementation of the 52 recommendations of the comprehensive Missing Women Working Group report released by FPT Ministers in January 2012, which will be discussed in greater detail under Question 13, below.
58. The Aboriginal Affairs Working Group (AAWG) of provincial and territorial Ministers responsible for Aboriginal Affairs and National Aboriginal Leaders from five National Aboriginal Organizations (Assembly of First Nations, Congress of Aboriginal Peoples, Inuit Tapiriit Kanatami, Métis National Council, and Native Women's Association of Canada) met in Manitoba in April 2013. Since 2009, the AAWG has provided national leadership and worked together on three priority areas, including ending violence against Aboriginal women and girls. Members of the working group also decided to exchange information and promote collaboration between the federal-provincial-territorial Justice Table and the working group.
59. Ministers and Leaders of the working group acknowledged the importance of continued cooperation on Aboriginal Affairs. This includes focusing on increasing efforts to support safe communities and prevent violence against Aboriginal women and girls, enhancing skills training and educational opportunities, building strong working relationships with Aboriginal communities to support economic development, working to address housing challenges and working with the federal government to enhance disaster support services. In July 2013, the Report of the Aboriginal Affairs Working Group meeting was presented to the Council of the Federation Premiers.
60. In November 2013, the Aboriginal Affairs Working Group met once again in Manitoba to discuss progress of their activities in their respective provinces, territories and Aboriginal communities. The working group received a progress report on early efforts to develop a draft framework of action to end violence against Aboriginal women and girls.
61. The Aboriginal Affairs Working Group will continue to provide national leadership on these and other issues to further support and ensure a strong future for Aboriginal communities across the country.<sup>8</sup>

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<sup>8</sup> For more information, please see: <http://www.scics.gc.ca/english/Conferences.asp?a=viewdocument&id=2121>.

### *Ontario*

62. The work of Ontario's Joint Working Group on Violence against Aboriginal Women has informed discussions at the PT Aboriginal Affairs Working Group (AAWG). Ontario is represented on this working group by the Ontario Women's Directorate and the Ministry of Aboriginal Affairs. Ontario regularly seeks input from Aboriginal partners on the Joint Working Group on Violence against Aboriginal Women to inform Ontario's feedback and participation on the AAWG's Violence Against Aboriginal Women Working Group.
63. The Joint Working Group on Violence against Aboriginal Women is seen as a leading practice by provincial, territorial, and national Aboriginal organizations and was highlighted at the 2012 National Aboriginal Women's Forum in British Columbia. The British Columbia government has expressed an interest in the Joint Working Group as it considers establishing a joint Aboriginal-Government partners table on stopping violence against Aboriginal women.
64. Ontario's current response to violence against Aboriginal women also includes participation in national provincial and territorial fora looking at the issue of violence against Aboriginal women, which include FPT Ministers of Justice and Ministers Responsible for Women's Issues.

### *Yukon*

65. Yukon has engaged in a number of opportunities to encourage other jurisdictions to participate in action planning around the issue of missing and murdered Aboriginal women and Aboriginal women's equality. As an example, Yukon has shared a variety of best practices with different sectors, and has given a number of public presentations, including presentations at Women's Worlds and at the National Aboriginal Women's Forum in 2011.

## **QUESTION 2: VIOLENCE IN ABORIGINAL COMMUNITIES**

*The experts were informed that violence, including domestic violence, was disproportionately prevalent within Aboriginal communities.*

- a) *Please indicate the actions targeted to address violence against Aboriginal women within communities, including domestic violence, both on and off reserve.*
- b) *Are there large-scale sensitization campaigns for Aboriginal women and men?*
- c) *What steps has the Government taken in order to engage in a dialogue with representatives of the Aboriginal community in order to prevent and eliminate violence within Aboriginal communities?*

### **Actions targeted to addressing violence**

66. The Government of Canada is deeply concerned about the higher levels of violence faced by Aboriginal women and girls, and by the disturbing number of missing and murdered Aboriginal women and girls. Canada acknowledges that this issue is a pressing one, exacerbated by complex historical challenges.
67. The Government of Canada is taking concrete action to improve the lives of Aboriginal women and girls across Canada and to deal with this complex issue in an effective and collaborative manner.

68. It is the view of the Government of Canada that significant steps have and are being taken to address the issues of violence against Aboriginal women and girls in general and the specific issue of missing and murdered Aboriginal women in particular. Initiatives are underway across the country, and are based on working in partnership with provincial and territorial governments, Aboriginal people, and other stakeholders. These include efforts to strengthen the response of the justice system and of law enforcement to cases of missing and murdered Aboriginal women, as described in greater detail in Canada's submission to the Committee of September 4, 2013, and broader initiatives to improve safety for Aboriginal women and girls, including through multi-sectoral efforts to prevent violence.
69. The Royal Canadian Mounted Police participates in a number of federal interdepartmental working groups and initiatives to address violence against women. These working groups provide a forum for identifying issues, risk assessment needs and tools, information sharing and promising practices which departments can consider as they address the different issues that contribute to violence against Aboriginal women.
70. As a partner to the Government of Canada's Family Violence Initiative, the RCMP's National Crime Prevention Services (NCPS) receive annual funding to distribute to RCMP detachments, non-profit community organizations as well as provincial, territorial and municipal partners to support community initiatives that respond to relationship violence, victims issues and sexual assault investigators training. There were 17 funded applications directly supporting Aboriginal communities, for a total of \$292,866, which represents 58% of the projects funded this fiscal year. These projects include: the Five Pillars of Freedom Awareness program, which is delivered in Manitoba and Saskatchewan and deals with family violence; Wagmatcook, Nova Scotia's Violence and Abuse Program, which develops and implements a strategic action plan to break down the wall of silence that perpetuates violence and abuse; and Ahousaht, British Columbia's Youth and Family Wellness initiative, which aims at ensuring that children and families have the supports they need to lead healthy, safe lives.
71. These initiatives demonstrate the RCMP's commitment to participate in multi-agency community-based initiatives to reduce the incidence of violence in relationships, improve public awareness and develop protocols for responding to violence in relationships. This approach further allows communities to tailor their initiatives as needed. Protocols for responding to violence against women are sensitive, respectful and responsive to the cultural needs and traditions of communities, in particular as they relate to Aboriginal and ethnic communities.
72. Training pertaining to domestic violence investigations is available to all regular members of the RCMP. The training is to enhance the knowledge of police officers dealing with domestic violence cases. The e-learning course encourages police officers to take a proactive and collaborative approach to promoting and managing the safety of victims. The course provides recommended best practices and information from police and other experts in the field and also alerts police officers to the potential risk factors that may be present in domestic violence cases. As part of the Basic Cadet Training Program, an entire module (module 7) focuses on the issue of domestic violence. This module consists of approximately 2 hours of online instruction, 9 hours of in-class instruction, 7 hours of role play/scenarios and 2 hours spent with a non-police resource for a presentation on domestic violence. Seven of the 11 RCMP contract Divisions also have mandatory training on investigations related to violence in relationships.

73. In addition, the RCMP has family violence awareness publication resources available online and in print. These include: *Intimate Partner Violence and Abuse – It Can be Stopped*; *The Effects of Family Violence on Children*; *Dating Violence - Say "No"*; and *Criminal Harassment*.
74. The RCMP also recognizes youth as a strategic priority for the organization. The RCMP's objective with respect to youth is to: reduce youth involvement in crime both as victims and offenders; promote youth engagement; support long-term solutions to youth crime and victimization; and focus on risks and protective factors, prevention and early intervention. The RCMP is committed to engaging youth in the prevention of violence and covers a wide array of topics relating to youth violence, including bullying, violence in the media, violence against women, sexual assault, youth gangs, child abuse, dating and intimate violence, physical abuse, sexual abuse and criminal harassment.
75. Aboriginal Affairs and Northern Development Canada's (AANDC) Family Violence Prevention Program (FVPP) provides funding for shelters and family violence prevention projects to organizations such as the National Aboriginal Circle Against Family Violence (NACAFV). The NACAFV emerged from a series of grassroots-level consultations with Aboriginal family violence service providers in 2002. Its mandate is to initiate, design and deliver culturally-appropriate programs and services to address family violence and to support shelters, including those funded by AANDC. In 2013-2014, the Circle is receiving approximately \$455,000 in core and project funding from AANDC to support Aboriginal women's shelters and their staff.
76. NACAFV provides necessary support to service providers for networking, capacity building, and training fora and develops resource materials for the shelters based on the needs of First Nations communities with respect to family violence. These activities are also currently supported by AANDC funding. In addition, Canada introduced and passed Bill S-2, the *Family Homes on Reserves and Matrimonial Interests or Rights Act*, which aims at ensuring that women, children and families living on First Nation reserves have access to the same matrimonial rights as those living off reserves. The Act will protect couples, especially women, in the event of a relationship breakdown or upon the death of a partner, and in situations of family violence.
77. As indicated in the 2012 Final Report on the FVPP evaluation,<sup>9</sup> there is evidence that where FVPP-funded shelter services exist or are nearby, they are contributing to the safety and security of the clients who use the shelters and to the broader community. Based on multiple lines of evidence, there is little doubt that the existence of emergency shelters in FVPP-funded communities contributes to the enhanced security and safety of the individuals involved by providing a safe place to stay. Without FVPP funding, most of the on-reserve shelters would not be in operation, and they would not have the level of staffing, security, programming and other features they have now.
78. While the shelters cannot prevent violence from occurring in homes in the community, where such violence is reported, a clear process now exists and victims are brought to the shelter or medical facilities and referred to appropriate services.
79. In communities where a shelter is available, the shelters have never turned away clients for lack of space. In urban areas, AANDC works with provinces through such programs as the Urban Aboriginal Strategy, the Aboriginal Friendship Centre program, and Cultural Connections for Aboriginal Youth to support urban Aboriginal people increase their participation in the economy.

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<sup>9</sup> For more information, please see: <http://www.aadnc-aandc.gc.ca/eng/1355952957773/1355953186153>.



This includes funding initiatives that support positive life choices which aid in the prevention and recovery from such issues as domestic violence and trafficking. Initiatives in the past have provided supports such as financial literacy, life skills, and skills training for vulnerable Aboriginal women or Aboriginal women who have been victims of violence, parenting supports, culturally-appropriate counselling services, emergency shelter and shelter transition services, outreach to support victims of sexual exploitation and gang involvement and initiatives that improved relations between communities and police services.

80. The Government of Canada, through the National Crime Prevention Centre (NCPC), further supports a range of projects to reduce the known risk factors associated with offending in high-crime areas and among vulnerable populations. One of the Centre's priorities is to foster prevention in Aboriginal communities.
81. While Aboriginal communities can access funding across the spectrum of available programming, the Northern and Aboriginal Crime Prevention Fund is designed specifically for Aboriginal groups. This fund provides funding support to culturally-sensitive crime prevention initiatives to reduce offending among youth-at-risk and high-risk offenders in communities, helps to disseminate knowledge and to develop tools and resources for Aboriginal and Northern populations, and builds capacity for the development of culturally-sensitive crime prevention practices for Aboriginal and Northern populations.
82. This year (2013-2014), over \$10.9 million of the \$43.1 million available annually in the crime prevention funding envelope involves Aboriginal Peoples and communities through 36 different projects.
83. For example, one project that speaks to the holistic approach to crime prevention in Aboriginal communities is the *Walking the Path Together* project. Aboriginal children and their siblings in Alberta who have been impacted by family violence receive culturally-appropriate, intensive supervision over 2 years. Using a "whatever it takes" approach, individual healing plans evolve to meet the needs of these children. Key activities include individual counselling, talking circles, family counselling, and talks with elders. Vital links are also made to multiple other services to match the needs, interests and requests of families, including substance abuse treatment, emotional and spiritual support and sports, arts and other recreational activities. The results to date are: 300 participants have been served, including 67 six and seven year olds, 104 adult caregivers and 129 siblings; 82 children were prevented from entering care; 3,681 service contacts were made; and 24 of the caregivers returned to school or became employed.
84. Another project entitled *Strengthening the Spirit-Oskâyi Kiskinotahn: Building a Comprehensive Response to Family Violence in Aboriginal Communities* is an innovative prevention program for Aboriginal families at high risk of violent behaviour and contact with the criminal justice system. The project was designed to reduce the incidence of domestic violence in families, reduce the risk of violence for children, and support families' healing and wellness. It was delivered in three First Nation communities as well as an urban centre. Treatment groups were held for men, women and children. The results indicate that those who participated in treatment had a lower rate of re-offending than people who did not participate in the program.
85. Over the years, the NCPC has learned that crime prevention initiatives implemented within Aboriginal communities must be sensitive to different cultural contexts. Programs implemented within these communities have typically been adapted to take into account a need for more flexibility, including changing some of the program components from a written emphasis to an oral

learning style, the involvement of elders in program teachings, and the inclusion of a holistic medicine wheel approach.

86. Under Public Safety Canada's Aboriginal community safety planning initiative, Aboriginal communities define what community safety means in the context of their community reality. In several cases, domestic violence has been identified and consequently, Public Safety Canada has entered into an agreement with a First Nation community to develop and pilot test (in four surrounding communities) a response to domestic violence. This response will include a community capacity development component and when completed in 2015, will result in a curriculum that can be shared with other First Nation communities.
87. Further, Status of Women Canada, through the Women's Program, works to advance equality for women and to remove the barriers to women's participation in society, putting particular emphasis on eliminating violence against women and girls, increasing women's and girls' economic security and prosperity, and encouraging women and girls in leadership and decision-making roles. Through the Program, Canada has the capacity to invest directly in communities in order to support them to develop community-based solutions. For example, a recent targeted call for proposals entitled *Working Together: Engaging communities to end violence against women and girls*, focused on supporting women and community partners to work together to develop and implement strategies that address the issue of violence against women and girls in their local area.
88. Among the projects funded through this call by Status of Women Canada in 2012-2013 that addressed violence against Aboriginal Women are the following:
- *Pauktuutit Inuit Women of Canada* (\$300,000): this 24-month project will engage Inuit men and boys in working to end violence against women and girls in Nunavut and Nunavik. The project will take a collaborative approach to identifying the issues of violence affecting women and girls, and in engaging men and boys in responding to these issues in their communities. An advisory committee will be established comprised of men's and women's groups, service providers, governmental and non-governmental organizations as well as regional and national Inuit organizations. In collaboration with stakeholders, participants will take part in training activities, develop a needs assessment, and undertake an analysis of issues related to violence in women's lives and implement strategies to address these issues;
  - *Cree Women of Eeyou Istchee Association* (\$195,000): this 24-month project will address the institutional barriers and other factors that limit community efforts to prevent and reduce violence against women and girls in the James Bay area of Northern Quebec, in the communities of Mistissini, Chisasibi, and Whapmagoostui. The project will engage men and boys, women and girls, and key partner agencies such as the Cree Men of Eeyou Istchee. In partnership with community stakeholders, promising strategies to address violence against women and girls will be identified, and a strategy will be piloted in the community. Lessons learned will be shared with other Cree communities in the region; and
  - *Society for Safe and Caring Schools* (\$200,000): this 24-month project will address the institutional barriers and other factors that limit community efforts to prevent and reduce violence against First Nations women and girls in the community of Wabasca-Desmarais in Northern Alberta. A steering committee comprised of women, men and community stakeholders will be established to guide and oversee the project. In partnership with local

stakeholders, promising strategies to address violence against women and girls will be identified and piloted in the community. Results will be shared with other Aboriginal communities working to address the same issue.

89. The Department of Justice Canada has also worked with the Aboriginal Research Institute and a number of individual Aboriginal contractors to prepare the Compendium of Promising Practices to Reduce Violence and Increase Safety of Aboriginal Women in Canada. This Compendium collects information on programs that have been developed in communities across Canada to address some of the significant issues affecting Aboriginal communities and which also work to improve the safety of Aboriginal women and girls and reduce their risk of violence. The knowledge and information gained from this Compendium is intended to provide a resource for community groups seeking to address similar challenges in their own communities. Ultimately, assisting communities to better address some of the challenges they face will reduce risks of violence and improve the safety of Aboriginal women and girls within their families and communities. The Compendium is now available online.<sup>10</sup>

#### *British Columbia*

90. In response to a report from the Representative for Children and Youth, the British Columbia government established the Provincial Office of Domestic Violence (PODV),<sup>11</sup> which coordinated the development of the cross-government *Taking Action on Domestic Violence in British Columbia* action plan. A progress report was released in March 2013,<sup>12</sup> and implementation of actions is well underway or completed. One of the commitments in the action plan is a three-year provincial plan to address domestic violence. The plan will be inclusive of an Aboriginal and diversity focus.

91. Violence is also being addressed in the following ways:

- there are more than 160 victim service programs and nearly 250 violence against women programs across British Columbia. Programs provide a range of services to women experiencing violence including: outreach, emotional support, referrals and information and support through the justice system;
- there are over 20 Aboriginal victim services and violence against women programs in British Columbia that are delivered by Aboriginal organizations and/or are developed specifically to serve Aboriginal communities;
- Indigenous cultural competency training is underway for victim service providers throughout British Columbia to ensure services are delivered in a culturally-sensitive and appropriate manner;
- a telephone service available to anyone who has been impacted by crime, anywhere in British Columbia (VictimLink British Columbia, at 1-800-563-0808). This toll-free, province-wide, multi-lingual help and information line operates 24 hours a day, seven days a week. Services are provided in over 100 languages, including 17 Aboriginal languages;
- victims can also register with the Victim Safety Unit, which will notify them about when there are changes to the custody status of the offender or give them information about a

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<sup>10</sup> For more information on the Compendium of Promising Practices to Reduce Violence and Increase Safety of Aboriginal Women in Canada, please see: <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/comp-recu/toc-tdm.html>.

<sup>11</sup> For further information on British Columbia's Provincial Office of Domestic Violence, see: [www.mcf.gov.bc.ca/podv/index.htm](http://www.mcf.gov.bc.ca/podv/index.htm).

<sup>12</sup> For more information on the progress report, please see: [http://www.mcf.gov.bc.ca/podv/pdf/progress\\_report.pdf](http://www.mcf.gov.bc.ca/podv/pdf/progress_report.pdf).

- court proceeding. This is particularly important to women who may be at risk of further violence if an offender is released;
- funding is also provided to organizations to coordinate and enhance services for victims. For example, \$320,000 is provided to the Ending Violence Association British Columbia (EVA BC) each year to operate the Community Coordination for Women's Safety program, which works with communities across British Columbia to develop local coordination protocols and other initiatives to support women's safety;
  - EVA BC has supported two community-funded projects aimed at improving safety specifically for Aboriginal Women:
    - *Aboriginal Women's Safety Project*, which is designed to increase action on barriers and identify community strengths and needs in some First Nations communities; and
    - *Indigenous Communities Safety Project*, which aims to provide knowledge sharing to Aboriginal leadership in 12 Aboriginal communities related to matters such as criminal justice, family justice and child protection laws;
  - British Columbia has provided communities with funding to support a number of prevention-focused projects that address specifically violence against women in British Columbia, including projects targeting Aboriginal women;
  - British Columbia released its *Action Plan to Combat Human Trafficking 2013-2016* in March 2013. The plan focuses on preventing and addressing trafficking of youth for sexual exploitation and preventing and addressing domestic trafficking of Aboriginal youth. The focus of the Action Plan is on the development of age-appropriate information alerting youth to the tactics of traffickers and on identifying culturally-appropriate resources to prevent and address human trafficking in Aboriginal communities.<sup>13</sup>

### *Alberta*

92. While Alberta does not have a specific action plan on ending violence against Aboriginal women and girls, the Government of Alberta is currently establishing First Nations and Métis Women's Economic Security Councils to help further the economic and social aspirations of Aboriginal women in Alberta. The First Nations Women's Economic Security Council and the Métis Women's Economic Security Council will be supported by a cross-ministry government working group. The councils will offer the working group advice and recommendations with the goal of improving economic outcomes for Aboriginal women. The women who will become members of the Councils have met twice to discuss barriers to economic security and the tools needed to break down those barriers. Safety of, and justice for, Aboriginal women are a key priority for the councils. There also a number of other Alberta initiatives which are not specifically identified for Aboriginal women and girls, but that do address this important issue for vulnerable populations, including Aboriginal women and girls, such as the *Protection Against Family Violence Act* and the *Crime Prevention Strategy*.
93. Alberta is also working with other provinces and territories and the national Aboriginal organizations through the Aboriginal Affairs Working Group to develop a menu of actions which

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<sup>13</sup> For more information, please see: <http://www.pssg.gov.bc.ca/octip/docs/action-plan.pdf>.

provinces and territories could choose and customize within their own jurisdictions (in consultation with Aboriginal communities) to address violence against Aboriginal women and girls.

94. The Alberta Ministry of Justice and Solicitor General Victim Services conduct targeted outreach to First Nations and Métis communities to reduce barriers to services. The poster *No I didn't deserve it* was developed in Cree.
54. All 76 Victim Services Units in Alberta have been provided the document entitled *Strategies for Safety Planning* to assist police and volunteer advocates and/or victim services coordinators in developing safety plans and updating them as needed.
95. Work is ongoing with NGOs, the RCMP and the Edmonton Police Service to provide a 2-day symposium on Violence against Aboriginal Women in January 2014 and Aboriginal awareness training with stakeholders, including those in the criminal justice system.
96. A specialized training course for Victim Services providers will be developed as one of the outputs of the Missing and Murdered Women Initiative in 2014.

#### *Saskatchewan*

97. Saskatchewan is responding to violence against Aboriginal women in a variety of ways:
  - by holding offenders accountable for their actions;
  - by working with our justice-sector partners to prevent violence;
  - by working with our human service partners on actions to support healthy early childhood development;
  - through funding for family violence and victim services programs and women's shelters;
  - through legislation such as the *Victims of Domestic Violence Act*;
  - by supporting victims of interpersonal and family violence through the Victims Fund; and
  - by supporting domestic violence courts in Saskatoon, Regina and the Battlefords.
98. Saskatchewan provides a number of culturally-sensitive services for Aboriginal victims of crime in addition to services available to all victims of crime.<sup>14</sup> The Aboriginal victim services programs include:
  - Aboriginal Resource Officers (ARO), who work with six police-based victim services programs to provide crisis intervention in the immediate aftermath of a crime and information and support throughout the criminal justice process. In most cases, ARO speak one of the two main dialects in Saskatchewan, Cree or Dene; and
  - Aboriginal Family Violence Initiatives, which are offered by Aboriginal organizations in 5 communities. They work closely with and receive referrals from any domestic violence courts in three of these communities. These domestic violence courts have a strong link to Aboriginal organizations and emphasize meeting the needs of Aboriginal victims. 3 Missing Persons Liaison positions have been created in the police-based victim services units of the 3 largest municipal police services in the province. These Missing Person Liaison positions provide direct support to families of missing persons. They are also

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<sup>14</sup> For more information on these services, please see paragraphs 66-69 of Canada's submission to the CEDAW regarding this inquiry, dated June 14, 2012.

developing services to provide individual and family counselling and/or specialized support groups for family members of missing persons.

99. Through the Interpersonal Violence and Abuse Program, Saskatchewan supports 42 community-based programs in 17 communities that provide services for any women (including Aboriginal women) and their children who are fleeing violence and abuse.
100. The majority of the residents in 10 transition houses in Saskatchewan are Aboriginal. In 2011-2012, a total of 810 women and 1,047 children resided in these transition houses with an average stay of 19 days. Of this number, 79% of women are Aboriginal (Status: 68%, Non-Status: 4%, Métis: 7%) and 83% of children are Aboriginal (Status: 71%, Non-Status: 8%, Métis: 4%). Two of the transition house programs have a primary focus on services for Aboriginal women and children. There are also 2 non-residential programs offering outreach services primarily focused on the needs of Aboriginal women and children.
101. Additionally, an Inter-ministerial Committee on Interpersonal Violence and Abuse is developing an integrated approach to address interpersonal violence in various forms, from bullying to spousal abuse.
102. Work is also ongoing to strengthen partnerships with police agencies and Aboriginal and community organizations to support families and communities to identify and respond to missing person cases. In Saskatchewan, about 4,500 missing person cases are filed with the police each year. These reports represent about 3,000 people as some situations involve the same individual on multiple occasions.
103. According to data on missing persons that is posted at the Saskatchewan Association of Chiefs of Police website,<sup>15</sup> there were 113 long-term missing person cases in the province as of July 2013, that is, missing person cases that occurred between 1935 and 2013 where the person has been missing for 6 months or more. In regards to Saskatchewan long-term missing person cases, the statistics indicate that:
- the majority are male (83 of 113 cases);
  - Aboriginal people are disproportionately represented, accounting for 35 of 83 cases involving males and 17 of 30 cases involving females (Aboriginal people currently account for about 16% of the Saskatchewan population); and
  - long-term missing persons are most often adults.
104. Public concern about missing persons, including cases involving Aboriginal women, led to the creation of a Provincial Partnership Committee on Missing Persons (PPCMP) in 2006. This committee consists of organizations with province-wide experience in dealing with missing persons cases.
105. The PPCMP started its work in 2006 with 14 organizations representing government, police, First Nations, Métis and community-based organizations involved with missing persons. Since then, it has grown to include representatives from 20 sectors, including the coroner's office.
106. With funding from Justice Canada, the Committee organized a Western Regional Forum in March 2011 to discuss a more coordinated approach to serving families of missing persons. Following the

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<sup>15</sup> For more information, please see: <http://www.sacp.ca>.

forum, a report was released in 2011 setting out 16 recommendations, including a call for the development of a strategic business case.

107. Once more with support from Justice Canada, the PPCMP developed a strategic business case on supporting families of missing persons in the fall of 2012. One of the key actions was to promote public awareness through events such as the proclamation of a Missing Persons Week in Saskatchewan in May 2013.
108. In terms of actions taken to respond to the recommendations so far, Saskatchewan proclaimed the *Missing Persons and Presumption of Death Act* to assist families to administer assets of missing persons. To support families, a checklist and media kit were developed along with an inventory of agencies involved in missing person cases and posted to the Saskatchewan Ministry of Justice website.<sup>16</sup> Further, to support understanding of issues related to runaways, research was completed and posted on the Ministry of Justice website. The Missing Person Protocol was developed by the Saskatchewan Police Commission. It sets out standards for all police services to ensure that all missing persons cases are responded to in a consistent manner and all avenues of investigation are completed. The protocol was implemented in spring 2013.

#### *Manitoba*

109. In November 2012, Manitoba launched its Domestic Violence Prevention Strategy, including new commitments in the following areas: supports for victims and families; interventions for people with abusive behaviours; and awareness, prevention and training. This Strategy provides specialized programs and counselling for Aboriginal people and the over-representation of Aboriginal women and children in Manitoba's shelter system is identified as a priority.
110. Consultations were held in March and April 2012 to inform Manitoba's multi-year domestic violence prevention strategy. These consultations took place in the following communities: Brandon, Thompson, Churchill, Flin Flon, Dauphin, Winnipeg, Gimli, Steinbach, and Morden/Winkler.
111. 9 Women's Resource Centres in Manitoba provide individual counselling, information and referral, outreach and support groups to women impacted by domestic violence, as well as educational programs, volunteer training and community development activities. Funding also provides for children's services.
112. Manitoba's Department of Family Services, through the Family Violence Prevention Program (FVPP), supports 3 agencies that provide culturally-sensitive services to Aboriginal clients. These include:
  - Ikwe Widdjiitiwin Inc., which is the second largest shelter in Manitoba which offers crisis accommodation and services to women and their children;
  - Ma Mawi-Wi-Chi-Itata Inc., which implements a Family Violence Counselling Program based on Aboriginal traditional teachings; and
  - Wahbung Abinoonjiiag Inc., which provides services to families affected by domestic violence with a special focus on children.

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<sup>16</sup> For more information, please see: <http://www.justice.gov.sk.ca/missing-persons-report>.



113. In addition, all 33 FVPP-funded agencies are required to consider cultural sensitivity in program development and delivery as many of the clients who access these services are of Aboriginal background. Agencies are also expected to make efforts to reflect community diversity in their staff and board complements. More information about provincially-funded programs that provide services to individuals and families affected by family violence is available online.<sup>17</sup>
114. The Manitoba First Nations Regional Board for Family Violence Prevention was created with the aim to empower communities, to build upon their strengths, communicate and network effectively, and provide prevention services through holistic, community-driven programming. The Regional Board was formed as a response to the need for Manitoba First Nations to strengthen their ability to design, administer, and manage the prevention projects funded through the FVPP.
115. RCMP Divisions across Canada participate in a wide range of activities to reduce incidents of violence in the home and community. As a partner to the Federal Family Violence Initiative, National Crime Prevention Services receives annual funding to distribute to RCMP detachments, non-profit community organizations as well as municipal, provincial and territorial partners to support communities in responding to relationship violence, victim issues and sexual assault investigators training. One such initiative in Manitoba is the Garden Hill First Nation – Breaking the Cycle of Violence project. This is a one day training session on breaking the cycle of violence. The training incorporates risk factors and protective factors of child abuse, women abuse, dating violence and peer violence. The training includes the impact of violence on the community and its members as well as discussing quality prevention, intervention and policing and corrections approaches.
116. More generally, Manitoba Justice Victim Services is a systems-based, provincial government program that helps victims of the most serious crimes as outlined in the *Victims' Bill of Rights*,<sup>18</sup> victims of domestic violence and child victims and witnesses throughout Manitoba. In general, Victim Services helps people access their rights, understand their responsibilities and connects them to other services or agencies. Services are provided free of charge and are available in person, by phone, by fax or on the Internet. As cases advance through the criminal justice system, Victim Services provides:
- court and criminal justice system information;
  - counselling referrals;
  - child victim support services for victims and witnesses of abuse (up to 18 years of age), adult survivors of sexual abuse, and other vulnerable victims involved in the criminal court process;
  - information about what to expect if subpoenaed to court;
  - court preparation, as required (including a visit to the courtroom to help familiarize witnesses with their surroundings and make them feel more comfortable);
  - court support, when possible;

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<sup>17</sup> For more information, please see: <http://www.gov.mb.ca/fs/fvpp/>.

<sup>18</sup> The Manitoba *Victims' Bill of Rights* came into effect in 2001. This legislation specifies the rights of victims of the most serious crimes. The bill ensures crime victims' rights are recognized and protected in their dealings with police, prosecutors, courts and corrections officials.



- safety and protection planning, including information and training to community service providers under the *Domestic Violence and Stalking Act*;<sup>19</sup>
- information on financial assistance that may be available to victims of crime;
- information about Victim Impact Statements and guidance on how to prepare them;
- information on the offender's sentence once convicted, and how to contact the correctional facility if the offender receives a jail sentence;
- information on how to find out about the offender's release from a provincial jail; and
- information on how to register with the National Parole Board, if the offender is sentenced to a federal institution.

### Ontario

117. The Ontario Women's Directorate currently supports a number of programs to respond to violence against Aboriginal women and build the capacity of Aboriginal women and organizations. These include:

- the *Kanawayhitowin* public education campaign, which is raising awareness about the signs of violence against Aboriginal women and what people can do to help;
- the *Kizhaay Anishinaabe Niin: I Am A Kind Man* campaign, which encourages Aboriginal men and boys to speak out against violence against Aboriginal women. The program is currently reaching Aboriginal men incarcerated in provincial correctional facilities for crimes related to violence against women;
- the *Building Aboriginal Women's Leadership Program*, which is strengthening the capacity of Aboriginal women to take on leadership roles in their communities. Since 2007, over 3,000 Aboriginal women have attended training and over 450 program participants have engaged in leadership roles in their communities;
- employment training for Aboriginal women who are experiencing or are at risk of domestic violence;
- educational resources on family law topics specifically for Aboriginal women;
- funding for the Aboriginal partners of the Joint Working Group on Violence against Aboriginal Women to engage in consultations and develop an Aboriginal Sexual Violence Action Plan. The action plan outlines priorities for responding to sexual violence in Aboriginal communities; and
- the Ontario Women's Directorate, which is currently providing \$1 million over 4 years to support an initiative developed by the Aboriginal partners to help improve community responses to sexual violence against Aboriginal women in four communities (Sudbury, Hamilton, Thunder Bay and Six Nations of the Grand River). OFIFC, ONWA, MNO and IFN are leading projects.<sup>20</sup>

118. With respect to policing initiatives, the Ministry of Community Safety and Correctional Services (MCSCS) has guidelines in place under the Policing Standards Manual that address issues related to domestic violence occurrences and sexual assault investigations. The guidelines contained in the Policing Standards Manual are one of the primary tools to assist police services boards, chiefs

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<sup>19</sup> The Manitoba *Domestic Violence and Stalking Act* allows victims of stalking or domestic violence to get protective orders. By providing support to protection order applicants, workers and designates can help victims increase their safety in their homes and in their communities.

<sup>20</sup> For more information on initiatives of other departments, please see Joint Working Group progress reports, attached as Annexes 1 and 2 to the present response.

of police, police associations and municipalities in Ontario with their understanding and implementation of the requirements under the *Police Services Act*. They also include the MCSCS's position in relation to policy matters and advice respecting the management and operation of police services.

119. MCSCS has developed and released investigative tools that are intended to assist police officers in managing domestic violence investigations, identifying risk factors for recidivism that may exist in domestic violence cases and identifying best practices for responding to domestic violence incidents (e.g., the Domestic Violence Risk Management Report and the Model Police Response to Domestic Violence).
120. MCSCS is also developing an Ontario Crime Prevention Strategy. As a first step in this process, MCSCS released the *Crime Prevention in Ontario: A Framework for Action* booklet. The booklet identifies family violence as a risk factor that may contribute to crime and also recognizes the unique challenges with respect to crime, violence and victimization experienced in First Nations Communities.
121. MCSCS also provides funding to community organizations to enhance local community safety efforts, including efforts to reduce the risk of domestic violence among Aboriginal and non-Aboriginal communities.
122. As the provincial police force, the Ontario Provincial Police (OPP) participate in various community initiatives to reduce violence against Aboriginal women, such as participating on committees led by First Nations communities that focus on awareness and programs to assist victims and offenders of domestic violence. The OPP supported the New Start Women's Centre Violence against Women Awareness campaign that was held from November 25 to December 10, 2013.

### *Quebec*

123. In the context of the 2012-2017 Government Action Plan on Domestic Violence, measures were taken, including the following:
  - fostering the implementation by Aboriginal communities of awareness activities in the Aboriginal population on domestic and family violence and on the impact on victims and families;
  - financially supporting agencies working with Aboriginal peoples to carry out activities for the awareness and promotion of non-violence, in particular among men and boys;
  - promoting and updating information on resources and services offered for domestic violence in the health and social services network through the health and social services resources directory;
  - fostering the skills development of stakeholders in the health and social services network;
  - adapting to the realities of Aboriginal communities, the tools used by stakeholders in domestic violence matters and making them available;
  - financially supporting the Quebec Native Women organization in the exercise of the activities of the Coordinator for the promotion of non-violence and Aboriginal shelters and in the carrying out of the Coordinator's overall mission as well as in the activities of the organization's network of shelters;
  - funding, on an annual basis, the 2 shelters for Aboriginal women located in Montreal and Quebec and the 3 shelters in Nunavik, in 2012-2013;

- financially supporting and developing in Aboriginal communities the services of Crime Victims Assistance Centres, including those offered to victims of domestic and family violence;
- disseminating among victims of domestic and family violence legal information that is relevant and adapted to their communities;
- promoting the community policing approach among police officers working in Aboriginal communities in domestic violence intervention;
- developing training on domestic and family violence intervention for various stakeholders;
- promoting the complementarity of services and the consistency of psychosocial, legal, police and correctional interventions in domestic and family violence matters;
- supporting initiatives using shared expertise and best practices in supporting parental roles between family community organizations and Aboriginal community services;
- encouraging intervention adapted to Aboriginal culture by financially supporting regional and local initiatives from agencies and Aboriginal communities;
- improving the media kit on domestic violence and family violence in Aboriginal communities; and
- financially supporting research projects relating to different aspects of family violence.

124. In the context of the 2008-2013 Government Action Plan on Sexual Assault, measures were taken, including the following:

- carrying out a government campaign on sexual assault awareness for the public and planning information and awareness activities for Aboriginal communities and cultural communities;
- financially supporting community initiatives of one-time projects from groups of Aboriginal women, Aboriginal organizations or Aboriginal communities regarding sexual assault;
- informing the victims of sexual assault about support and protection services that meet their needs;
- providing consistency of police practice regarding sexual assault with government guidelines in matters of sexual assault and modifying them to take into account cybercrime and Aboriginal communities;
- financially supporting the Quebec Native Women organization in the exercise of the activities of the Coordinator of health and social services for sexual assault cases;
- fostering the creation of initiatives in Nunavik communities to help women and children who are victims of sexual assault;
- continuing to financially support the Crime Victims Assistance Centres (CAVAC), increasing access of Aboriginal populations to CAVAC and promoting, in regions where there are Aboriginal communities, the presence of Aboriginal personnel;
- developing processing and management tools for interventions with victims and sexual offenders who are members of First Nations;
- supporting training, information and support activities for the various stakeholders working in Aboriginal communities;
- providing funding for stakeholders in shelters and stakeholders in treatment centres to better equip them when sexual assault is disclosed;
- financing a regional campaign for the prevention of sexual assault of school-age children in Nunavik; and

- financially supporting the First Nations of Quebec and the Labrador Health and Social Services Commission in carrying out a project to prevent violence and assaults in communities targeting children up to 6 years of age, through interventions with communities, families and early childhood services.

#### *New Brunswick*

125. New Brunswick's Advisory Committee on Violence against Aboriginal women continues to meet bi-annually to provide direction and advice on the implementation of the Strategic Framework to the Policy Coordinator. Advisory committee members have been involved in many of the initiatives that have been coordinated by the Aboriginal Policy Coordinator and the Women's Equality Branch specific to the implementation process of the priorities outlined in the Strategic Framework. In addition, a new roundtable has been established to address all topics pertaining to Aboriginal Women in the province.

#### *Nova Scotia*

126. Nova Scotia's domestic violence action plan was announced in 2010, and a key initiative, the domestic violence court program, commenced on June 21, 2012.<sup>21</sup> Additional information on this action plan is included above, under Question 1.

#### *Prince Edward Island*

127. In 2012, the Prince Edward Island's Inter-Ministerial Women's Secretariat provided grant funding to the Aboriginal Women's Association to deliver a series of provincial workshops designed specifically for Aboriginal Youth that will address gender-based violence and lateral violence. The primary method of knowledge transfer will be based on the traditional Aboriginal approach, which is the circle teaching approach.

#### *Newfoundland and Labrador*

128. In Newfoundland and Labrador, through the Violence Prevention Program within the Women's Policy Office, the Aboriginal Women's Violence Prevention Grants Program is intended to support Aboriginal governments and organizations in their efforts to prevent violence against Aboriginal women and children. The Violence Prevention Program recognizes that there are many valid approaches to ending violence, including increasing awareness, education, training, investing in leadership development, capacity building, or projects that offer healing or the ability for an individual or community to address violence in a culturally-appropriate manner. Aboriginal governments and organizations within the province can apply for a project grant for up to a maximum of \$30,000. This program has an annual budget of \$200,000.
129. The Women's Policy Office provides an operation grant of \$100,000 to the Newfoundland Aboriginal Women's Network (NAWN), which liaises with other organizations on a regional, provincial and national level, which have common goals. NAWN speaks on behalf of their members wherever possible to improve access to programs and services in health, social, education, economic and political programming and emerging issues. NAWN continues to assist in

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<sup>21</sup> For more information on the Domestic Violence Action Plan, please see:  
[http://www.novascotia.ca/just/publications/docs/Domestic\\_Violence\\_Action\\_Plan\\_EN.pdf](http://www.novascotia.ca/just/publications/docs/Domestic_Violence_Action_Plan_EN.pdf);  
<http://www.novascotia.ca/just/domestic-violence-court.asp>.

the formation of local women's groups and works to revitalize cultural heritage through cultural education, traditional teachings and relearning of Aboriginal languages, where possible. NAWN develops programs and services that address priority issues identified by its membership.

130. Through the Violence Prevention Program, a number of fact sheets have been developed including *Violence against Aboriginal Women* and *Violence against Aboriginal Persons*.<sup>22</sup> FPT Ministers Responsible for the Status of Women also released fact sheets regarding violence with one specific to Aboriginal women.<sup>23</sup>

#### *Yukon*

131. Yukon does not have reserves like other jurisdictions; therefore, all work has been done off-reserve or on settlement lands. Yukon has several directly targeted initiatives to address violence against Aboriginal women, including:

- *Prevention of Violence against Aboriginal Women Fund (PVAAW)*: the Women's Directorate allocates \$200,000 per year to run projects designed and developed by and for Aboriginal women for their communities. The purpose of the funding is to work on eliminating violence against Aboriginal women. Organizations may apply for up to \$25,000 for 1-year projects and \$50,000 for 2-year projects. Since 2004, the Women's Directorate has contributed approximately \$1.5 million toward this Fund. Funding was increased from \$100,000 to \$200,000 annually in 2009-2010;
- *Yukon Aboriginal Women's Summits 2 (YAWS2) Implementation Funding*: this is 3-year funding from 2013-2016 for the implementation of recommendations from the Yukon Aboriginal Women's Summit 2, which was held October 13-14, 2012. The funding will build on the success of the first series of YAWS I implementation projects, such as the Yukon Sisters in Spirit campaign, which made a significant impact on identifying outstanding justice concerns related to the safety of Aboriginal women. This funding will advance the policy, research and program priorities established at YAWS2;
- *Women's Equality Fund*: the Women's Equality Fund provides local women's organizations with ongoing Operational and Maintenance funding annually (\$300,000). The Women's Equality Fund provides up to a maximum of \$50,000 per organization per year by means of 3-year agreements. The 3 active Aboriginal women's organizations currently receive a total of \$103,000 annually from this fund; and
- *Women's Community Project Funding*: the fund is primarily to enhance support to eligible organizations which require small top-up funds for training, organizational development or program expenses. Organizations are limited to 1 application per year and a maximum request of \$1,000. Applications may be submitted at any time. This funding was increased from \$5,000 to \$10,000 per year in 2009-2010.

132. Yukon Government Victim Services Unit supports individuals in crisis. The Unit assists people in remaining safe and supports them through the court system. The Unit services all Yukon

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<sup>22</sup> See [http://www.gov.nl.ca/VPI/facts/aboriginal\\_women\\_fact\\_sheet.pdf](http://www.gov.nl.ca/VPI/facts/aboriginal_women_fact_sheet.pdf); and [http://www.gov.nl.ca/VPI/facts/aboriginal\\_persons.pdf](http://www.gov.nl.ca/VPI/facts/aboriginal_persons.pdf).

<sup>23</sup> See [http://www.gov.nl.ca/VPI/facts/VAW\\_EN\\_Fact%20Sheet\\_Aboriginal\\_Women.pdf](http://www.gov.nl.ca/VPI/facts/VAW_EN_Fact%20Sheet_Aboriginal_Women.pdf).

communities, including those that are predominantly First Nation, and advocates for its clients using a client-centered approach.

#### *Northwest Territories*

133. The Northwest Territories have only 1 reserve. Aboriginal people make up about 50% of the population and live in all communities. Domestic violence programs recognize the experience of Aboriginal women and non-Aboriginal women living in mostly small and remote communities, such as the following:

- *WEK'ÉAHKAA: A New Day Healing Program*: the main purpose of this pilot program is to protect victims while giving violent (high-risk) men opportunities to change their behaviour. As part of the research and development of this pilot, community action research was conducted in 12 communities across the Northwest Territories. This research collected strength-based experiences of non-violence from a wide variety of men and resulted in a DVD documentary. The program is currently running as a pilot;
- *Domestic Violence Treatment Options (DVTO) Court*: the DVTO Court is an option for low-risk offenders who are willing to take responsibility for their actions by pleading guilty and to participate in treatment. Offenders are carefully screened and are required to attend appropriate treatment. Successful completion of treatment is a mitigating factor in sentencing. This specialized court became operational in March 2011;
- *Community Response Protocols and Emergency Response Teams*: the government of the Northwest Territories is currently supporting the development of community-specific protocols and training of community response teams to mobilize non-shelter communities during emergencies related to family violence. These plans are a critical component in improving safety for women and children in isolated and remote communities, of which many do not have a consistent RCMP presence; and
- *Children Who Have Witnessed Abuse*: the Northwest Territories provide recovery and support programs for children who have witnessed and/or have been victimized by family violence in Yellowknife, Hay River and Fort Smith.

#### *Nunavut*

134. Nunavut has introduced legislation which deals specifically with violence in the family. The *Family Abuse Intervention Act (FAIA)* created Community Justice Outreach Worker (CJOW) positions in each community in Nunavut. CJOW help individuals in obtaining emergency protection orders, community intervention orders, assistance orders and/or compensation orders when necessary. The FAIA allows abused individuals to stay in the family dwelling and removes the alleged abuser in order to prevent further victimization.

## Large-scale sensitization campaigns for Aboriginal women and men

135. Sensitization of Aboriginal women and men has been identified as a key measure to break the inter-generational cycles of violence and abuse. This aspect of raising awareness on a national scale is an integral part of the mandate of the Truth and Reconciliation Commission.<sup>24</sup>
136. Sensitization of Aboriginal people to their history and to the fact that violence is not part of their culture is also key in many important initiatives that seek to break inter-generational cycles of violence and abuse. These initiatives are deliberately targeted to specific Aboriginal and First Nations communities, to reflect the different needs and cultures of Canada's many Aboriginal and First Nations communities. Some of these initiatives include:
- *Walking the Prevention Circle*,<sup>25</sup> a program for positive change in Aboriginal communities run by the Canadian Red Cross since 2000;
  - the *Healing Journey* program for Aboriginal family violence prevention;<sup>26</sup>
  - the *Kizhaay Anishinaabe Niin: I am a Kind Man* program, and the *Kanawayhitowin: Taking Care of Each Other's Spirit* program, run by the Ontario Federation of Friendship Centre;<sup>27</sup>
  - the *Red Road to Healing*;<sup>28</sup>
  - community Development programs, such as those run by the Four Worlds Centre for Learning Development;<sup>29</sup>
  - the *Warrior* programs, run by the Native Counselling Services of Alberta and various other programs and services;<sup>30</sup>
  - the Assembly of First Nations pledge to end violence against Indigenous women and girls;<sup>31</sup> and
  - many other programs, including those listed in the Compendium of Promising Practices to Reduce Violence and Increase Safety for Aboriginal Women in Canada.<sup>32</sup>
137. In addition, sensitization is at the core of the community safety planning process, operated by Public Safety Canada as part of the seven-step strategy announced by Canada on October 29, 2010.<sup>33</sup> Finally, sensitization is also a key part of awareness materials developed for victims of

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<sup>24</sup> For more information, please see: <http://www.trc.ca/websites/trcinstitution/index.php?p=7>. The Minister of Aboriginal Affairs and Northern Development has recently announced that the Commission's mandate will be extended for an additional year until June 30, 2015, as requested by the Commission: <http://www.aadnc-aandc.gc.ca/eng/1384445439915/1384445654380>.

<sup>25</sup> For more information, please see: <http://www.redcross.ca/what-we-do/violence-bullying-and-abuse-prevention/courses/walking-the-prevention-circle>; <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/annex-annexe/p103.html>.

<sup>26</sup> For more information, please see: <http://www.thehealingjourney.ca/main.asp>.

<sup>27</sup> For more information, please see: <http://www.ofifc.org/about/iamkindman.php>; <http://www.kanawayhitowin.ca/index.php>.

<sup>28</sup> For more information, please see: <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/comp-recu/p60.html>.

<sup>29</sup> For more information, please see: <http://www.fourworlds.ca/>.

<sup>30</sup> For more information, please see: <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/annex-annexe/p109.html>; <http://www.ncsa.ca/online/>.

<sup>31</sup> For more information, please see: <http://www.ipetitions.com/petition/violence-free/>.

<sup>32</sup> For more information, please see programs listed at: <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/annex-annexe/toc-tdm.html>.

<sup>33</sup> For more information, please see: <http://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/cmmnt-sft-cntrbton-prgrm-eng.aspx>.

family violence, such as the booklet that forms part of the Justice Canada family violence prevention set of materials, entitled *Abuse is Wrong in Any Culture – Inuit*.<sup>34</sup>

138. According to the Family Violence Prevention Program (FVPP) Evaluation, service providers and political and administrative leadership in the communities believe that awareness about family violence has increased as a result of FVPP activities and that the issue is more openly discussed now than it was in the past. However, despite the frequency of FVPP-funded activities in communities, and the raised awareness, service providers believe there is still a considerable amount of abusive behaviour that goes unreported due to the stigma attached for the family.
139. Statistical evidence of recent awareness levels from the Transition Home Survey found that 60% of women residing at an on-reserve shelter on the date of the survey (April 2010) were self-referred. There is evidence that where FVPP-funded shelter services exist or are nearby, they are contributing to the safety and security of the clients who use the shelters and to the broader community.<sup>35</sup>
140. AANDC provides project funding to the Assembly of First Nations (AFN) to support social development activities, which supports efforts to create awareness and promote promising practices in preventing family violence. The AFN is currently working to complete a video called *Living a Life of Integrity*, which focuses on engaging men and boys.
141. In 2012-2013, AANDC provided \$75,000 in funding to Pauktuutit Inuit Women of Canada to establish the *I'm Happy Because I'm Safe* campaign. This campaign focuses on 3 main objectives: developing a culturally-appropriate prevention and protection campaign for Inuit children, which has been promoted in all 53 Inuit communities; utilizing best practices to reach and influence Inuit children in a safe way through the expert advice of the advisory committee; and reducing the vulnerability of Inuit children to violence in their home. The campaign continues into 2013-2014 with a focus on promoting the *I'm Happy Because I'm Safe* campaign in new, innovative ways, which include developing radio and video public service announcements as well as creating Inuit-specific, child-friendly Inuit safety information resources intended for all 53 Inuit communities.

#### *British Columbia*

142. The British Columbia Association of Aboriginal Friendship Centres (BCAAFC) has started the "Moose Hide" campaign, where Aboriginal and non-Aboriginal men are encouraged to wear a small piece of pinned moose hide to raise awareness and signify their personal commitment to ending violence against Aboriginal women and girls.
143. *Be More Than a Bystander* is a groundbreaking initiative between the Ending Violence Association of British Columbia (EVA BC) and the British Columbia Lions aimed at substantially increasing understanding of the impact of men's violence against women. Through a series of educational workshops on gender-based violence, training sessions, films and viewers' guides directed at youth in particular, the program provides tools, language and practical ideas about how to be more than a

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<sup>34</sup> For more information, please see: [http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/culture/pdf/cult\\_inuitEN.pdf](http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/culture/pdf/cult_inuitEN.pdf). A booklet for Aboriginal and Métis Canadians is currently under development.

<sup>35</sup> Report on the Evaluation of the Family Violence Prevention Program, at: <http://www.aadnc-aandc.gc.ca/eng/1355952957773/1355953186153>.



bystander, how to speak up and how to communicate that violence and abuse is not acceptable.<sup>36</sup> The program also draws attention to the disproportionality of violence against Aboriginal women.<sup>37</sup>

144. Finally, the *Breaking the Cycle* project is a federal/community partnership which was undertaken by the Justice Education Society of British Columbia in support of the international *We Can BC* Campaign, which focuses on changing beliefs and attitudes that perpetuate violence against women. An adult workshop with a facilitation guide, as well as a lesson plan and teaching kit for students were created addressing the important issues in this area, including the residential school system and its impact on Aboriginal communities, particularly in terms of intergenerational violence; the violence that takes place today in Aboriginal communities, and how to move forward in breaking that cycle.

#### *Saskatchewan*

145. In Saskatchewan, there have been a number of public events held to draw attention to the issue of missing and murdered Aboriginal women. For example, the REDress exhibit by a Winnipeg-based artist, Jamie Black, was recently on display at the University of Regina. As well, there have been a number of local Sisters in Spirit vigils to keep the stories of missing women alive and in the spotlight.
146. During the first Missing Persons week in May 2013, 4 cases were highlighted through publicly released videos outlining the circumstances in which the person went missing to raise public awareness and seek the public's help. One case involved a missing Aboriginal woman, another, a missing Aboriginal man.

#### *Manitoba*

147. Manitoba's Domestic Violence Prevention Strategy also included a campaign to engage men as allies in ending violence against women. As part of this campaign, the *Aboriginal Men's Anti-Violence Campaign* (AMAVC) was implemented in partnership with Aboriginal community agencies. AMAVC featured Aboriginal men from a cross-section of ages and roles within the community. In November 2013, Manitoba released prevention strategies focused on stopping the cycle of violence before it starts, which included supporting a healthy relationship program for Aboriginal youth at Wii Chiiwaakanak Learning Centre with a new \$7,000 grant and the creation of a new fund for community-based solutions to domestic violence. The community-based grant will provide \$150,000 over 3 years to an Aboriginal community-based organization to offer healing programs to Aboriginal women who have experienced domestic violence.
148. Manitoba's Women's Advisory Council commemorates Canada's National Day of Remembrance and Action on Violence against Women each December 6<sup>th</sup> with an annual Sunrise Memorial. The Sunrise Memorial confronts all forms of violence against girls and women and remembers those who have died as a result of violence.

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<sup>36</sup>Activities include: a series of 40 school-based interactive educational workshops about gender-based violence to be facilitated by BC Lions players; training presented to adult football coaches by BC Lions players at an amateur football coaches' clinic; a series of in-season football Public Service Announcements featuring BC Lions players for television, radio and DiamondVision screen presentations to be played at BC Lions games; and development of a film and viewer's guide directed at youth, with positive messaging that it is 'cool' to respect women, how attitudes and behaviours are an essential piece of the action to prevent violence against women and girls and the importance of bystanders speaking up.

*Ontario*

149. The Ministry of the Attorney General, through the Ontario Victim Services (OVS), is working with Aboriginal partners to develop and implement services that address violence against Aboriginal women within communities, including domestic violence, both on- and off-reserve.
150. In 2012-2013, Ontario Native Women's Association (ONWA), Ontario Federation of Indian Friendship Centres (OFIFC), Métis Nation of Ontario and Independent First Nations continued work on program pilots directed towards the development of culturally-relevant victim services for Aboriginal women and children victimized by violence. With support provided through the Ending Violence against Aboriginal Women (EVAAW) Fund, each Aboriginal partner is undertaking an initiative suited to the unique interests, concerns and needs of the communities they represent. The initiatives range in focus. For example, one is directed toward women and girls who have experienced sexual violence while another is centred on children who have witnessed domestic violence. They all demonstrate the integration of Aboriginal values, beliefs and ways of knowing and doing into services for victims, and work to promote knowledge about the effectiveness and importance of culturally-relevant services. The OVS has secured approval to extend the EVAAW Fund for a further 2 years, that is, 2013-2014 and 2014-2015. The additional resources will enable the Aboriginal partners to continue developing culturally-relevant services.
151. In 2012-2013, 9 Aboriginal-directed shelters in First Nations communities received funding through the EVAAW Fund for time-limited projects, such as minor repairs and maintenance and capacity-building initiatives.
152. Aboriginal organizations in Northwestern Ontario have received multi-year funding from the OVS (secured through Justice Canada) to enhance and/or expand their services to better support Aboriginal women and children victimized by violence. With these funds, ONWA is providing comprehensive, culturally-relevant victim services in Thunder Bay and Kenora to families of missing and murdered Aboriginal women and to Aboriginal women who have experienced violence. The Nishnawbe-Aski Legal Service Corporation expanded its Victim Witness Liaison Program to provide culturally-relevant, court-based services to victims in 34 First Nations communities in the Northwest.
153. The Ontario Women's Directorate funds 2 large-scale campaigns to raise awareness about violence against Aboriginal women among Aboriginal women and men:
  - *Kanawayhitowin (Taking Care of Each Other's Spirit)* campaign: funding has been provided to the OFIFC to develop and implement a public education campaign to help those closest to an abused woman recognize the signs of abuse and understand what they can do to help. The OFIFC also introduced a Kanawayhitowin youth initiative and is training Aboriginal youth facilitators to deliver successful workshops focusing on identifying and ending violence against Aboriginal women and girls; and
  - *Kizhaay Anishinaabe Niin (I am a Kind Man)* campaign: funding has been provided to the OFIFC to develop and implement a public education campaign aimed at inspiring Aboriginal men and boys to help stop all forms of abuse toward Aboriginal women and girls and to treat them with equality.
154. The Aboriginal Policing Bureau of the Ontario Provincial Police provides youth learning and mentorship opportunities through educational programming and summer camp experiences that promote healthy lifestyle choices.

*Quebec*

155. A specific component of the government campaign on domestic violence awareness, which took place from 2006 to 2009, was addressed to First Nations. Therefore, \$50,000 was used to create tools targeting Aboriginal people with a view to increasing awareness of family violence. This component was designed by the Table de concertation pour le mieux-être des Premières Nations of Quebec Native Women. Further, \$20,000 was allocated for creating domestic violence awareness tools adapted to the Inuit.
156. The government's public sexual assault awareness campaign was disseminated in four phases between 2008 and 2011. Since 2009, information and awareness activities specific to First Nations were planned as part of this campaign.
157. A total of \$65,000 was provided to Quebec Native Women, of which \$50,000 was earmarked for the campaign component targeting Aboriginal peoples, entitled *My sexuality, it's about respect: break the silence!*. A total of \$15,000 was spent to adapt the awareness tools to the Inuit community. The sexual assault awareness tools specifically targeting Aboriginal communities, produced by Quebec Native Women, were launched in March 2011.

*Yukon*

158. The *Am I the Solution?* social marketing campaign is designed to raise awareness and address attitudes and behaviours that contribute to the high rates of violence against women in Yukon. The Women's Directorate invested \$100,000 per year over 3 years (2010-2013), as part of the Victims of Crime Strategy co-led by the directorate and the Yukon Department of Justice.
159. Innovative projects effectively reach the target audiences: young families; youth; and men. The social marketing campaign continues in 2013-2014, using interactive social media, direct engagement, training, and creative public education methods to raise awareness and change attitudes/behaviours among youth aged 14-17, young parents and children.
160. In evaluating the program, it was found that there were 876 fans on the Facebook page: 29% are men; 69% are women; and 2% didn't identify their gender. Most fans are in 2 age brackets: 25-34 and 35-44. Weekly reach was between 200 and 1,000 individuals. The provincial government has received 10 requests for the *Only You are You* book and 256 French books and 2,022 English books have already been distributed. 304 responses were received to this fall's evaluation survey. 60% recalled seeing or hearing a reference to the *Am I the Solution?* campaign. In terms of impacts the campaign has had on the way in which people perceive the issue, 47% indicated that the campaign did not change their thinking, while 18% indicated that it did have some effect. It is important to note that since a high percentage (69%) of respondents were women, these respondents might have a higher degree of awareness or a higher level of concern regarding the issue.
161. From 2005-2008, the Women's Directorate and the Yukon Department of Justice co-facilitated an 18-member interagency working group in developing a long term public education campaign on the prevention of violence against women and children, entitled *C.O.R.E. (Circles of Respect and Equality) Long Term Public Education Campaign on the Prevention of Violence against Women and Children*. The campaign included posters, radio advertisements, a website, training workshops and a violence prevention video.

162. In addition, the Women's Directorate delivers public education presentations on gender stereotypes to all youth (not only Aboriginal youth) and outlines how the attribution of gender is at the basis of bullying and violence. Students in public schools are one of the target audiences of these presentations. Since the fall of 2010, approximately 94 presentations have been delivered through the Women's Directorate to the following audiences: schools, youth service organizations, young offenders, Yukon College students, parents, teachers and health care professionals.

#### *Northwest Territories*

163. The Northwest Territories are developing a social marketing campaign aimed at changing the attitudes and beliefs about family violence. This campaign will be launched in 2014.

### **Dialogue with representatives of Aboriginal communities**

164. Canada has been engaging in dialogue with representatives of Aboriginal communities to develop collaborative approaches to addressing violence against Aboriginal women. As part of Public Safety Canada's Aboriginal community safety planning initiative, Aboriginal communities are engaged in identifying a vision for their community and community members are empowered to determine steps to move towards that vision. Work in communities is undertaken with the express consent and support of Aboriginal leadership.

165. The RCMP has many partnerships with other law enforcement agencies, provincial and territorial governments, non-governmental organizations and First Nations, Inuit and Métis organizations, both regionally and nationally.

166. In December 2011, the RCMP and the Assembly of First Nations signed a joint work plan in which both organizations agree to work collaboratively on issues related to missing and murdered Aboriginal persons.

167. The RCMP has a member dedicated to liaising with the Native Women's Association of Canada (NWAC). The RCMP works in collaboration with the NWAC to develop initiatives directed at reducing violence against Aboriginal women and girls, including reducing incidents of missing and, in some instances, murdered Aboriginal women. This is reflected in the collaborative partnership that led to the development of the community education tool kit, entitled *Navigating the Missing Persons Process*, and the hitchhiking poster initiative.

168. The RCMP Commissioner's National Aboriginal Advisory Committee (CNAAC) was formed in 1990 to provide strategic advice and cultural perspective on matters pertaining to the delivery of Aboriginal policing services in all provinces and territories, except Ontario and Quebec. The Commissioner meets with the committee bi-annually.

169. RCMP's Commanding Officer Aboriginal Advisory Committees (COAAC) provide thoughtful advice and strategic guidance on Aboriginal issues, including cultural protocol, tradition, practice and ceremonial etiquettes and RCMP education and training initiatives pertaining to Aboriginal people. The COAAC also builds relationships and liaises with community stakeholders as requested.

170. The First Nations Policing Program (FNPP) is a federal contribution program that supports the provision of professional, dedicated and responsive policing services in First Nation and Inuit

communities. Funding for the FNPP is provided through tripartite contribution agreements between the Government of Canada, the province or territory and the First Nation or Inuit community. The federal and provincial governments provide parallel financial contributions for these agreements.

171. Since its creation in 1991, the FNPP has assisted in strengthening public safety in First Nation and Inuit communities, while facilitating positive relationships between communities and the police. For instance, for FNPP agreements where the RCMP is the police service provider, communities have the opportunity to develop and support the policing needs of their community through the creation of a Community Consultative Group (CCG). A CCG is made up of community members who identify and advocate for the community's policing priorities. Among other duties, it promotes dialogue and good communication between the police service and members of the community. CCG members play an essential role in:
- defining the working relationship between their community and the police service provider;
  - organizing and participating in regular meetings to discuss and monitor their community's policing needs; and
  - undertaking yearly reporting and evaluation activities in accordance with the policing agreements that are in place.
172. RCMP policing priorities are therefore collectively established via community consultations. The RCMP meets with community consultative groups to identify mutual priorities/initiatives, tailoring divisionally specific programs that focus on the reduction of violence and meeting the distinctive needs of First Nation, Métis and Inuit communities. RCMP Detachment Commanders consult further with local Aboriginal governments to formalize priorities on annual performance plans that measure and track the realization of shared objectives.
173. The international event *Women's Worlds 2011* was held in Canada's National Capital Region in July 2011. Gathered under the theme "Inclusions, Exclusions, Seclusions: Living in a Globalized World", nearly 1 500 women from all over the world exchanged in workshops, conferences and dialogues. AANDC was pleased to support the Aboriginal Women Leadership Circle. It ensured Aboriginal women perspectives and strong presence throughout the international event. The AANDC funding, in the amount of \$70,950, supported various activities: the Aboriginal Women's Leadership Circle travel/accommodation for one meeting and attendance at the actual event; a Young Aboriginal Women's Essay Contest; an Artistic Expression - Drum Workshop; Indigenous Feminist Policy Papers; and administrative costs.
174. AANDC contributed \$80,000 toward the organization of the National Aboriginal Women's Forum held June 15-17, 2011. The Forum was co-hosted by the province of British Columbia and the Native Women Association of Canada and focused on the issue of violence against women. It focused on leading practices to address socio-economic conditions that make Aboriginal women vulnerable to violence, including missing and murdered women and identified key action items that all stakeholders could implement in their jurisdictions.
175. There have been 3 National Aboriginal Women's Summits in Canada, where participants discussed the issues faced by Aboriginal women. The first one took place in Corner Brook, Newfoundland and Labrador in June 2007, while the second was held in Yellowknife, Northwest Territories in July 2008. The most recent event was held in Winnipeg, Manitoba in November 2013. AANDC

provided \$980,000 in funding, to support the planning and organization of the 3 Summits, as well as the travel and accommodation costs of delegates.

176. As indicated previously, Canada also engages in dialogue with representatives of Aboriginal communities through the Aboriginal Affairs Working Group (AAWG), which consists of provincial and territorial Ministers of Aboriginal Affairs and Leaders from the 5 National Aboriginal Organizations (Assembly of First Nations, Congress of Aboriginal Peoples, Inuit Tapiriit Kanatami, Métis National Council, and Native Women's Association of Canada). Ministers and Leaders acknowledge the importance of continued cooperation on Aboriginal affairs. Ministers and Leaders work together on 3 priority areas, one of which is ending violence against Aboriginal women and girls. The AAWG received a progress report on early efforts to develop a draft framework of action to end violence against Aboriginal women and girls.

### *British Columbia*

177. In June 2011, the British Columbia Ministry of Aboriginal Relations and Reconciliation (MARR) and the Native Women's Association of Canada (NWAC) jointly funded a national Aboriginal conference, the *Collaboration to End Violence: National Aboriginal Women's Forum*, to explore underlying issues related to violence and missing and murdered Aboriginal women. More than 250 people attended the forum, with participants including representatives of provincial and territorial government departments and agencies, national Aboriginal organizations, and First Nation, Métis and Inuit communities and community-based organizations.
178. Following the June 2011 conference, a Minister's Advisory Council on Aboriginal Women was created to support a commitment by the government of British Columbia to work with Aboriginal women and key informants to develop the necessary framework and support systems to address risks and violence against Aboriginal women. The overarching goal of the advisory council is to provide advice to government on how to improve the quality of life for Aboriginal women across British Columbia. Core membership includes a diverse range of individuals from key Aboriginal organizations and leadership from across British Columbia.
179. The Missing Women Commission of Inquiry (MWCI), completed November 2012, held several Community Forums in Northern British Columbia. These forums were aimed at ensuring input into the proceedings by members of these communities, particularly Aboriginal people, who have been affected by the high incidence of missing and murdered women in this area. Community input informed the development of policy recommendations.
180. In December 2012, an independent advisor and champion was appointed by British Columbia to provide advice on the implementation of the Recommendations from the MWCI Report. The independent advisor engaged on the MWCI Report recommendations with First Nations leaders and organizations, community groups, policing organizations and family members from December 2012-May 2013.
181. In 2012, British Columbia established the Provincial Office of Domestic Violence as the permanent lead for the British Columbia government in coordinating and strengthening services for children and families affected by domestic violence. It is accountable for ensuring all provincial policies, programs and services related to domestic violence are effective and delivered in a comprehensive and unified way across government. It is responsible for monitoring, evaluating and regularly reporting progress as well as consultation with stakeholders to support a coordinated, systemic approach to addressing domestic violence.

*Alberta*

182. The Alberta Ministry of Justice and Solicitor General's Victim Services have engaged the community through Victim Services Unit presentations and client services, as well as presentations to community leaders. Some communities/Victim Services Units invested in facilitating community safety initiatives through Public Safety Canada. A dedicated full-time equivalent Aboriginal Liaison was hired.

*Saskatchewan*

183. The Draft Framework to Address Violence against Aboriginal Women and Girls, developed by FPT senior justice officials and approved for public release by the FPT Ministers responsible for Justice and Public Safety in November 2013, reflects justice themes and priorities that FPT jurisdictions have heard from Aboriginal organizations and other groups in earlier forums and reports. In Saskatchewan, for example, these matters have been discussed with groups such as the Indian Justice Council, the Provincial Partnership Committee on Missing Persons, community justice workers and courtworkers as well as Elders fora.

*Ontario*

184. The Ontario government convened the Joint Working Group on Violence against Aboriginal Women in 2010 to engage in dialogue with representatives of Aboriginal communities. The goal is to identify priorities and opportunities for support, development, and implementation of policies, programs, and services that prevent and reduce violence against Aboriginal women and their families.
185. Ontario's funding priorities are identified through the Joint Working Group and the *Strategic Framework to End Violence against Aboriginal Women*. Initiatives that respond to the Strategic Framework are developed "by and for" Aboriginal women and organizations. The Joint Working Group has facilitated relationship-building between the 5 Aboriginal organizations and ministry representatives, and it has provided a forum for information sharing and collaboration to advance the Strategic Framework together.
186. In developing the Aboriginal Children and Youth Strategy, Aboriginal partners have identified the need to focus on preventative services that are culture-based. They have identified the issue of enabling First Nation, Métis, Inuit and urban Aboriginal communities to provide supports that strengthen cultural identity and well-being of Aboriginal children and youth as a key to building resiliency and lessening the risk of girls being vulnerable to violence as adults.
187. The Ministry of Community Safety and Correctional Services (MCSCS) and its policing partners have been working together through the Future of Policing Advisory Committee (FPAC) process to plan for effective, efficient and sustainable police service delivery in Ontario in the future. MCSCS is also consulting with First Nations policing partners through a working group under the FPAC process as the operational input of First Nations Chiefs of Police is an essential component of this project. While discussions do not directly deal with the topic of preventing and eliminating violence, the working group has established a forum for ongoing dialogue with First Nations police services to enhance service delivery and to make it sustainable into the future.
188. MCSCS is also developing an Ontario Crime Prevention Strategy and is currently engaging communities, including First Nations and Aboriginal groups, to gather input. Feedback from these

engagement sessions will inform both the Strategy as well as identify crime issues, risk factors, challenges, and resources/partnerships in Ontario's communities.

#### *Quebec*

189. Canada refers the Committee to the information provided by Quebec under the headings "Actions targeted to addressing violence" and "Large-Scale Sensitization Campaigns for Aboriginal women and men", above, for information on this topic.

#### *New Brunswick*

190. New Brunswick is currently developing an Aboriginal Women's Issues table as part of its ongoing process in working with the First Nations communities in New Brunswick through the Bilateral and/or Tripartite process. It is anticipated that the Issues table will begin in the near future.

#### *Nova Scotia*

191. Nova Scotia, through the Miqmaq-Nova Scotia Tripartite Forum, is collaborating to establish mechanisms to support communities with high crime and victimization rates.<sup>38</sup>

#### *Prince Edward Island*

192. In 2013, Prince Edward Island's Interministerial Women's Secretariat provided grant funding to the Aboriginal Women's Association to provide sessions that incorporate inter-generational learning regarding gender-based violence and cybersafety. The sessions will assist in the development of stronger lines of communication between parents and their children to enhance their combined capabilities, individual and collective skills and talents, so that Aboriginal women and their children can participate effectively and safely with new information technology equipment. The goal is to create a process, set of activities, rules and actual tools that maintain the benefits of this new information technology while utilizing culturally-distinct methods to preserve the cultural identity of Aboriginal women and their families. The sessions will utilize Aboriginal Elder/Facilitators to implement Traditional Methods/Teachings that will guide their journey into this new information technology society.
193. The 2007 Canada / PEI / Mi'kmaq Partnership Agreement established a Coordinating Committee of representatives appointed by each of the parties to oversee the work of Policy and Planning Forums in five sector areas: justice; health; child and family services; economic development and employment; and education. The goal of this Agreement is to assist in restoring, revitalizing and strengthening the Mi'kmaq of Prince Edward Island, their communities and families, improving their quality of life outcomes in the long term and establishing a new partnership among the parties. The Justice Forum brings together representatives of the provincial and federal government and the Mi'kmaq Confederacy of Prince Edward Island to discuss issues pertaining to Aboriginal Justice in the province. There was an initial meeting of all fora in November 2012 and another is planned for December 2013. The issue of violence against Aboriginal women in Prince Edward Island relates to all these sectors but it has not yet surfaced as a common concern.

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<sup>38</sup> For more information, please see: <http://www.tripartiteforum.com/committees/justice.php>; <http://www.novascotia.ca/just/-actions/2012-2013%20Actions.pdf>.



*Newfoundland and Labrador*

194. In Newfoundland and Labrador, since 2009, the Violence Prevention Program has undertaken a collaborative approach with Aboriginal governments and organizations to develop the *Respect Aging* project, an education and training program to enhance recognition, prevention and intervention of violence against older persons. The program was developed with a cultural sensitivity lens as well as a gender-inclusive lens and contains specific modules on gender and diversity. Aboriginal partners will receive *Respect Aging* as a Train-the-Trainer program in 2014 to help provide awareness and tools for their community members.
195. Since 2006, the Women's Policy Office has worked in collaboration with Aboriginal women throughout the province to implement a provincial Aboriginal Women's Conference. An advisory committee of Aboriginal women works with the Office to identify key issues, priorities, and opportunities for Aboriginal women for the conference program each year. The Office has held 7 successful Aboriginal women's conferences to date on the following topics:
- *Path to the Good Life: Aboriginal Women's Conference;*
  - *Path to the Good Life: Moving Forward, Building Strength;*
  - *Path to Economic Prosperity;*
  - *Aboriginal Women and Policy Development;*
  - *Aboriginal Women and Evolving Opportunities;*
  - *Strong Women, Strong Communities: Advancing Aboriginal Women's Equality;* and
  - *Path to the Good Life - Strong Women, Strong Communities through Culture.*

*Yukon*

196. Yukon has developed the Yukon Aboriginal Women's Summits Implementation, based on recommendations made by and for Aboriginal women in 2007 and 2012. Yukon works directly with Aboriginal women's groups on the implementation of recommendations that address Aboriginal women's equality and root causes of violence against Aboriginal women.
197. The direct partnership between the Yukon Government, Yukon Aboriginal Women's Council and the RCMP made the Yukon Sisters in Spirit not only possible, but also very successful in meeting the stated objectives of the project. In addition, the Yukon Sisters in Spirit project as well as other projects stemming from the first Yukon Aboriginal Women's Summits recommendations were identified and strongly supported by Yukon First Nations, both individually (with signatures) and via the Yukon Forum.
198. Yukon regularly engages with First Nations and Aboriginal women's organizations in an effort to support community-based violence prevention programming that is developed by and for Aboriginal people and communities. The following initiatives are examples of this engagement and support:
- 1 project will establish a Violence Prevention Worker within the community of Kwanlin Dun First Nation (Whitehorse). This position will provide indirect support to women who are experiencing violence and engage in specific awareness, prevention/early intervention and community education activities. This support position will work with the Kwanlin Dun First Nation and other service staff who work with Aboriginal women who are victims of violence and engage in more preventative work with women at risk of violence including young women, families and the community;

- the *Brothers in Spirit - Yukon Aboriginal Women's Council* project is a 1-year strength-based community inquiry project targeting Aboriginal men. The project is designed to strengthen relationships with community organizations and assist them in working together to develop practices and programs that work for people in Yukon in preventing violence against Aboriginal women. The project is dedicated to increasing awareness and community dialogue about the opportunities for men to talk about their journey, roles and responsibilities in violence prevention. The *Brothers in Spirit* project will also provide an opportunity for men to engage in positive role modeling for youth, and encourage youth to make non-violent choices. The *Brothers in Spirit* project will also provide funding to support the Yukon Status of Women Council to collect data and information related to Aboriginal women as part of their Court Watch program; and
- *Together For Justice: On Language, Violence, and Responsibility* will continue a series of workshops delivered over a 1-year period in Watson Lake and Whitehorse, hosted by the Liard Aboriginal Women's Society. There have been 5 workshops in each respective community since 2011. The primary goal of the workshops is to address and prevent violence by promoting dialogue and improving the relationships between: Kaska women; Help & Hope for Families (the local women's shelter) and other government agencies in Watson Lake; women's groups in Whitehorse; community members; and the RCMP. The ongoing project aims to create a community action plan, encourage systemic change within RCMP training and performance and inform policies that will improve the delivery of social services and policing for women living in Kaska and other Yukon communities.

#### *Northwest Territories*

199. The Northwest Territories provide funding for restorative justice programming in every community. Currently, 30 communities are accessing program support for restorative justice programming such as Community Justice Committee alternative measure options, reintegration supports, and crime prevention activities. The Northwest Territories also currently fund 7 regionally-situated community-model Victim Service Programs that assist victims through both the criminal and the restorative justice process and provide emergency financial support for victims of serious crime.
200. Family violence programs such as the *Domestic Violence Treatment Option (DVTO)*, *P.A.R.T.N.E.R.* program (for low-risk clients) and the *New Day* healing program (for medium-to-high risk clients) offer services to clients charged or self-identified as using violence in their relationship. The Northwest Territories have a dedicated RCMP Restorative Justice position located within the Community Justice division, which liaises between program areas to increase referrals, communication and networking opportunities between the RCMP, communities and the Department of Justice of the Northwest Territories to build on program successes and develop innovative restorative responses to justice issues in the Northwest Territories.
201. The Northwest Territories provide funding support to non-shelter regions to engage with community partners in the development of community teams to respond to family violence emergencies, and in the development of culturally-relevant emergency response protocols.

*Nunavut*

202. Section 32.1.1 of the *Nunavut Land Claims Agreement Act* provides that the Inuit have the right to participate in the development of social and cultural policies, and in the design of social and cultural programs and services, including their method of delivery, within the Nunavut Settlement Area.
203. In compliance with this provision, Nunavut engages in consultation with the Nunavut Tunngavik Incorporated, which represents the Inuit of Nunavut, regarding all laws, regulations, and policies concerned with violence in Nunavut.

### **QUESTION 3: SHELTERS**

*Please provide information on the number and geographical distribution of Government-funded shelters per province/territory for the entire population, and the number of Government-funded shelters on reserves, per province/territory.*

204. On April 15, 2010, there were 593 shelters for abused women operating across Canada. This was an increase of 24 shelters since 2008 (up 4%), the last time the Transition Home Survey was conducted, and an increase of 40 shelters since 2006 (up 7%).<sup>39</sup>
205. AANDC's Family Violence Prevention Program (FVPP) provides funding to assist First Nations in providing access to family violence shelter services and prevention activities to women, children and families ordinarily resident on-reserve. There are 2 components to the program: operational funding for an existing network of 41 shelters in the provinces and in Yukon; and proposal-based prevention projects. The expected outcome of the FVPP is the enhanced safety and security of women, children and families living on-reserve. The number of shelters has grown from 35 in 2008-2009 to 41 as a result of the construction of 5 new shelters, and the addition of an existing shelter in the Atlantic region to the list of AANDC-funded shelters. There are 6 shelters in British Columbia; 6 in Alberta; 4 in Saskatchewan; 4 in Manitoba; 9 in Ontario; 6 in Quebec; 1 in New Brunswick; 2 in Nova Scotia; 1 in Newfoundland and Labrador; 1 in Prince Edward Island; and 1 in Yukon for a total of 41 AANDC-funded shelters. Approximately 329 or 55% of First Nations communities are served by the shelters. In 2011-2012, approximately 2,440 women and 2,596 children accessed family violence shelter services and 302 proposal-based prevention projects were supported.

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<sup>39</sup> Statistics Canada, online: <http://www.statcan.gc.ca/pub/85-002-x/2011001/article/11495-eng.htm#a11>.

**Shelters for abused women located on a reserve and/or serving an on-reserve population, Canada, provinces and territories, April 15, 2010**

Province	Total Number of Shelters	Shelters Serving an on- reserve population		Shelters located on a reserve	
	number	number	Percentage	Number	percentage
Newfoundland and Labrador	16	2	12.5	0	0.0
Prince Edward Island	4	0	0.0	0	0.0
Nova Scotia	18	6	33.3	3	16.7
New Brunswick	23	3	13.0	0	0.0
Quebec	126	21	16.7	3	2.4
Ontario	171	39	22.8	17	9.9
Manitoba	29	14	48.3	2	6.9
Saskatchewan	26	11	42.3	0	0.0
Alberta	50	22	44.0	9	18.0
British Columbia	111	27	24.3	5	4.5
Yukon	6	0	0.0	0	0.0
Northwest Territories	6	1	16.7	0	0.0
Nunavut	7	0	0.0	0	0.0
<b>Canada</b>	<b>593</b>	<b>146</b>	<b>24.6</b>	<b>39</b>	<b>6.6</b>

Source: Statistics Canada, Canadian Centre for Justice Statistics, Transition Home Survey.

206. Funding to create new or renovate and improve existing accommodations for victims of family violence forms part of the federal Investment in Affordable Housing, through the Canada Mortgage and Housing Corporation (CMHC). The Government of Canada recently announced more than \$1.25 billion to extend the Investment in Affordable Housing for 5 years (to 2019). In addition, through the federal Family Violence Initiative, the federal government provides \$1.9 million annually to CMHC for accommodations for victims of family violence. Federal investments in affordable housing and accommodations for victims of family violence are cost-matched and delivered off-reserve by provinces and territories, and on-reserve by CMHC.
207. With respect to on-reserve shelters, funding for accommodations for victims of family violence is delivered by CMHC through the Shelter Enhancement Program (SEP), which can be used to create new or renovate and improve existing shelters for victims of family violence. CMHC works with First Nation communities and organizations that are interested in the SEP as well as with AANDC. Close to \$5 million was delivered from 2008 to 2012, toward 299 units/beds. The table below provides a breakdown by province and territory of funding committed under the SEP from 2008 to 2012.

<b>Federal/Provincial/Territorial Funding Committed under the Shelter Enhancement Program From 2008 to 2012</b>						
<b>Province/ Territory</b>	<b>Off-Reserve</b>		<b>On-Reserve</b>		<b>Total*</b>	
	<b># Units/ Beds</b>	<b>\$(000) FPT Forgiveness<sup>2</sup></b>	<b># Units/ Beds</b>	<b>\$(000) FPT Forgiveness<sup>2</sup></b>	<b># Units/ Beds</b>	<b>\$(000) FPT Forgiveness<sup>2</sup></b>
Newfoundland and Labrador	189	749	1	79	190	828
Prince Edward Island <sup>2</sup>	18	118	12	128	30	246
Nova Scotia	682	1,029	0	80	682	1,109
New Brunswick	158	1,145	7	12	165	1,157
Ontario	456	12,764	46	935	502	13,699
Quebec	812	12,166	218	1,724	1030	13,890
Manitoba	291	2,723	5	525	296	3,248
Saskatchewan	35	625	0	0	35	625
Alberta	142	2,415	5	447	147	2,862
British Columbia	185	3,281	5	880	190	4,161
Northwest Territories	142	193	0	0	142	193
Nunavut	0	0	0	0	0	0
Yukon	4	279	0	0	4	279
<b>TOTAL*</b>	<b>3114</b>	<b>37,487</b>	<b>299</b>	<b>4,810</b>	<b>3413</b>	<b>42,297</b>

\*Totals may not add due to rounding.

<sup>2</sup> Assistance is provided in the form of a forgivable loan based on approved work identified in eligible applications received and in accordance with program design guidelines. FPT forgiveness funding reflected above relates to the forgivable loans provided under the SEP and does not include program administration costs.

208. The table below provides a breakdown by province and territory of funding claimed under the Investment in Affordable Housing from April 1, 2011, to September 30, 2013.

<b>Funding Claimed by Provinces/Territories for Shelters for Victims of Family Violence under the Investment in Affordable Housing 2011-2014</b>		
<b>From April 1, 2011 to September 30, 2013</b>		
<b>Off-Reserve</b>		
<b>Province/Territory</b>	<b>Units</b>	<b>Total \$(000) FPT/Other</b>
Newfoundland and Labrador	28	1,419.0
Prince Edward Island <sup>3</sup>	0	0.0
Nova Scotia	442	373.3

New Brunswick	103	1,363.0
Ontario	11	1,969.1
Quebec	195	14,990.3
Manitoba	25	1,477.3
Saskatchewan	8	297.4
Alberta	31	908.0
British Columbia	71	13,678.1
Northwest Territories	18	83.3
Nunavut	12	20.0
Yukon	n/a	n/a
<b>TOTAL*</b>	<b>944</b>	<b>36,578.8</b>

\*Totals may not add due to rounding

<sup>3</sup> Prince Edward Island entered into an Investment in Affordable Housing agreement effective April 1, 2013. As of September 30, 2013, the province had not yet included in claims to CMHC, funding for accommodations for victims of family violence. Prior to April 1, 2013, CMHC delivered assistance under the Shelter Enhancement Program in Prince Edward Island (see: FPT Funding Committed under the Shelter Enhancement Program).

209. With respect to off-reserve shelters, until 2011, federal assistance for accommodations for victims of family violence was provided through the SEP, which was cost-shared and delivered by provinces and territories in most jurisdictions on a 75(federal)/ 25(P/T) basis. SEP assistance could be used to create new or renovate and improve existing shelters for victims of family violence.
210. Since 2011, CMHC entered into bilateral Investment in Affordable Housing agreements with most provinces and territories. Under these agreements, provinces and territories cost-match federal funding and have the flexibility to design and deliver housing programs to address their local housing needs and priorities, including for accommodations for victims of family violence.
211. There is a minimum level of federal funding that must be used by provinces and territories toward accommodations for victims of family violence, totalling \$1.9 million annually.
212. From 2008 to September 2013, more than \$74 million in contributions were delivered to create or renovate and improve 4,058 shelter units/beds for victims of family violence. These contributions reflect the cost-sharing arrangements with provinces and territories.

#### *British Columbia*

213. Last year, approximately 17,000 women and children stayed in Transition Houses and Safe Homes funded by British Columbia, including many Aboriginal women and children. As of March 31, 2013, there were more than 800 provincially-funded spaces in Transition Houses and Safe Homes housing for women and their children who are fleeing violence across British Columbia. The number of spaces in provincially-funded transition housing and support programs are divided by region as follows: Northern British Columbia (156); Interior British Columbia (173); Lower Mainland (365); and Vancouver Island (148).

### *Saskatchewan*

214. In 2013-2014, 10 provincially-funded transition houses are located in 8 communities across Saskatchewan. The transition house in the community of La Ronge is co-funded by the provincial and federal governments.
215. There are 3 additional First Nations shelters for women and children in Saskatchewan, located in 3 communities with a higher proportion of First Nations people. These shelters are funded through AANDC. None of the shelters are located on-reserve.
216. Three enhanced residential service programs receive provincial government funding. The services are delivered through the Young Women's Christian Association (YWCA) of Saskatoon and the YWCA of Prince Albert (in 2 facilities: Central Avenue and Our House).

### *Manitoba*

217. Off-reserve in Manitoba, 10 women's shelters provide emergency accommodations and supportive counselling to women and their children who are victims of family violence.<sup>40</sup> 4 Residential Second-Stage Housing Programs in Manitoba offer protective, affordable long-term housing and services for women leaving abusive relationships but who have extensive outstanding needs. These programs also provide comprehensive emotional and practical support including individual and group counselling, parenting support, and information.<sup>41</sup> Manitoba is also developing a 24/7 Drop In/Support Centre for Aboriginal Women and Girls. The 24/7 Drop In Centre, which is currently under development, will provide a culturally-appropriate, safe, non-judgmental and loving space where Aboriginal women and girls can choose to drop in whether in crisis or not. Aboriginal woman and girls would have access to: cots for sleeping; access to washroom and laundry facilities; phones and computers; a recreation lounge; support services; and resource information. The 24/7 Drop In Centre will link with other Aboriginal agencies; government and non-governmental services; and ceremonial services.

### *Ontario*

218. In 2012-2013, 9 Aboriginal-directed shelters in First Nations communities received funding through the EVAAW Fund for time-limited projects, such as minor repairs and maintenance and capacity-building initiatives.

### *Quebec*

219. To better respond to the particular needs of Aboriginal women, Quebec grants recurring annual funding to 5 shelters for Aboriginal women, located in Montreal, Quebec and Nunavik.

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<sup>40</sup> These are located in northwest Manitoba (The Pas Committee for Women in Crisis Inc. (The Pas)); northeast Manitoba (Thompson Crisis Centre Inc. (Thompson)); southwest Manitoba (Parkland Crisis Centre Inc. (Dauphin)) and Westman Women's Shelter (YWCA Brandon)); southeast Manitoba (Eastman Crisis Centre Inc. (Steinbach), Ikwe-Widdjiitiwin Inc. (Winnipeg), Nova House Inc. (Selkirk), Osborne House Inc. (Winnipeg), Portage Family Abuse Prevention Centre Inc. (Portage la Prairie), South Central Committee on Family Violence Inc. (Winkler)).

<sup>41</sup> These are located in southeast Manitoba (Alpha House (Winnipeg)) and in southwest Manitoba (Samaritan House Ministries Inc. (Brandon), L'Entre-temps des franco-manitobaines Inc. (Winnipeg), and W.I.S.H. (Women in Second-Stage Housing) Inc. (Winnipeg)).

220. Furthermore, because of their geographic location, several other shelters accept Aboriginal women who are victims of domestic violence and their children. These are found in Roberval, La Tuque, Val-d'Or, Amos, Maniwaki, Ville-Marie, Forestville, Baie-Comeau, Sept-Îles and Chibougamau.

*New Brunswick*

221. Gignoo Transition House for Aboriginal women leaving violent relationships is located off-reserve in Fredericton. New Brunswick cost-shares Gignoo's funding on a 50-50 basis with AANDC.
222. Aboriginal women have access to other transition houses. All women leaving violent relationships are priority clients for access to public housing.
223. There are 12 other shelters in New Brunswick that are available to all New Brunswick women.

*Nova Scotia*

224. In 2010, there were 4 women-only shelters in the province. In 2013, there are 13 shelters, with 2 on-reserve.

*Prince Edward Island*

225. There is 1 off-reserve shelter in Prince Edward Island, the Chief Mary Bernard Memorial Women's Shelter, Lennox Island. It is a shelter for women in distress, women without housing or for young mothers who need extra support. Shelter residents have access to employment services, parenting and life skills programs, and services of the Lennox Island Health Centre.

*Newfoundland and Labrador*

226. Newfoundland and Labrador, through its Regional Health Authorities, currently provides \$5,872,667 in operational funding for 10 transition houses in the province to assist women and children fleeing from violence, including 3 in the Nunatsiavut communities of Nain (Nain Safe House), Rigolet (Rigolet Safe House) and Hopedale (Selma Onalik Safe House). There is also a shelter in Happy-Valley-Goose Bay (Libra House) where the NunatuKavut Community Council (formerly Labrador Métis Nation) is located. The 6 remaining shelters are located in St. John's (Iris Kirby House), Carbonear (O'Shaughnessey House), Marystown (Grace Sparkes House), Gander (Cara Transition House), Corner Brook (Transition House), and Labrador City (Hope Haven). 2 additional shelters are located in the Innu communities of Natuashish (Natuashish Safe House) and Sheshatshiu (Nukum Munik Shelter) which are funded by the federal government. The provincial government also provides \$105,000 annually to the Transition House Association of Newfoundland and Labrador which serves as the umbrella organization for the 12 shelters throughout the province.

*Yukon*

227. It bears noting that the Yukon has no reserves. Most First Nations in the Yukon are self-governing (11). Some (3) are however still being administered under the *Indian Act* by AANDC. Yukon has 3 shelters: the Women's Transition Home Society (Kaushee's Place) in Whitehorse, which now has a 10-unit transitional, supportive housing facility called Betty's Haven; the Dawson Women's Shelter in Dawson City; and the Help & Hope for Families Society (with second stage housing) for women and families in Watson Lake.



*Northwest Territories*

228. There are 5 family violence shelters within the Northwest Territories, located in Yellowknife, Hay River, Fort Smith, Inuvik and Tuktoyaktuk.
229. Shelters within the territory receive funding from their local Health and Social Services Authorities. They also fundraise within their communities to cover costs. Each Health and Social Services Authority has family violence funding that covers the transportation costs for women and children who wish to go to a shelter, when there is no shelter in their community. To access the transportation fund, the woman will need to speak with her community social worker, who will be able to arrange for safe transportation for the woman and children to a shelter.

*Nunavut*

230. There are 4 shelters in Nunavut: the St. Michael's Crisis Shelter in Cambridge Bay; the Qimavvik Shelter in Iqaluit; the Kataujuk Society Shelter in Rankin Inlet; and the Kugluktuk Women's Crisis Centre in Kugluktuk.

#### **QUESTION 4: REMOVAL OF CHILDREN FROM ABORIGINAL FAMILIES**

*The experts were informed that Aboriginal women are at greater risk than non-Aboriginal women of having their children removed by authorities under child protection legislation because of the interpretation of the definition of neglect, and that women who were victims of violence often avoided seeking help from health or social service organizations for fear that their children would be apprehended by child welfare authorities. The experts were also informed that there are more First Nations children in child welfare care today than at the height of residential schools, by a factor of three.*

- a) *Please clarify the interpretation and scope of the definition of "neglect" and ways in which removal of children impacts provision of welfare benefits for the parents.*
- b) *What are the measures taken or envisaged to resolve the issue related to removal of children from Aboriginal families, particularly to ensure that women living in poverty do not lose [sic] custody of their children strictly because of their economic situation? Please inform the experts on alternative strategies and policies for placement of such children in order to decrease the number of Aboriginal children living in welfare care and to create alternative options to ensure that children stay in the extended family and in their Aboriginal community.*

#### **Definition of Neglect**

231. Provinces and territories in Canada have the legislative mandate for all children in care in their jurisdictions. The examples provided below are representative of how some provinces and territories define and interpret the term neglect.

### *British Columbia*

232. In British Columbia, the term neglect refers to the failure to provide for a child's basic needs that involves an act of omission by the parent or guardian that results in (or is likely to result in) harm to the child. It may include failure to provide food, shelter, basic health care, supervision and/or protection from risks, to the extent that the child's physical health, development, or safety is, or is likely to be, harmed.
233. New British Columbia assessment tools that help to inform decision-making processes regarding whether a child is in need of protection do not equate poverty itself to neglect. If, after an assessment, it is determined that a child is to reside out of the parental home, a family receiving income assistance may continue to receive the shelter allowance component while working towards the child returning to their care. This applies for those on British Columbia's provincial Income Assistance when a child enters care or is residing in an out-of-care placement with someone known to the child. In either case, this can occur by agreement or by court order.<sup>42</sup>

### *Saskatchewan*

234. In Saskatchewan, neglect is defined as "an act of omission by a parent, guardian, caregiver or legal custodian in failing to provide for the adequate care and attention of the child's needs, resulting in physical or mental harm to the child or substantial risk of physical or mental harm to the child."
235. Caseworkers use the Structured Decision Making (SDM®) intake assessment tool to determine whether there is an allegation of abuse or neglect, whether or not to assess the validity of the allegation and, if so, how quickly to respond.
236. If a child is removed from the home, there may be impacts to the provision of social assistance benefits for the parents. The shelter rate may be changed depending on the number of individuals that remain in the parental home. In addition, the annual school supply benefit for the children and any special diet allowances for the children would cease until the children returned to the parental home.

### *Manitoba*

237. In Manitoba, children come into the care of child and family services when there is a child protection or real child safety concern and there is a need to protect the child in question, such as when the child has been harmed, or is at risk of being harmed, due to abuse or neglect. The word neglect is not defined or mentioned in the context of child protection in Manitoba's *Child and Family Services Act*, but neglect generally refers to situations in which a child's caregiver fails to provide adequate clothing, food or shelter, deliberately or otherwise, which compromises the child's safety, security and well-being. The term neglect can also apply to the abandonment of a child or the omission of basic care such as medical or dental care.
238. With respect to "welfare benefits" set out in Manitoba's *Employment and Income Assistance Act*, eligibility depends on the applicant's categorical and financial eligibility, which is influenced by various factors, such as the person's abilities, age, whether they have children in their care,

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<sup>42</sup> For more information, please see: [www.mcf.gov.bc.ca/child\\_protection/index.htm](http://www.mcf.gov.bc.ca/child_protection/index.htm).

dependants in need of special care, and whether the applicant is a woman residing in a crisis intervention facility.<sup>43</sup>

### Ontario

239. In Ontario, there are a number of processes to assess the risk of harm to children and to keep them safe. Ontario's Children's Aid Societies are mandated by the *Child and Family Services Act* (CFSA) to investigate all reports that a child may be in need of protection. Subsection 37(2) of the CFSA sets out the grounds for protection of children in the province.
240. There are specific rules and procedures that must be followed by a Children's Aid Society (CAS) in determining if the child is in need of protection and in providing protection services when appropriate.
241. A report that a child may be in need of protection is given an immediate initial assessment by a child protection worker. The *Child Protection Standards in Ontario* set out the criteria to be considered and the information to be sought in the initial assessment. The child protection worker uses a referral eligibility screening tool (the *Ontario Child Welfare Eligibility Spectrum*) in combination with other available information about the child and family to make a decision on eligibility for service at the time of referral.
242. If a CAS determines that an investigation is required, it must apply the *Child Protection Standards in Ontario*, which guide the child protection worker in making decisions about the child's needs and care throughout the life of the case. As part of the services that are provided to families, child protection workers must develop a service plan in collaboration with the family and its support system, which details a plan to resolve protection concerns. In many cases, a CAS will work directly with the parents or caregivers under a voluntary agreement to protect the child. When this is not possible, a CAS has the right under the CFSA to "remove the child to a place of safety". A CAS must apply to the court in order to do this, and it is the court that determines, on the basis of sworn information from the CAS, whether the child is in need of protection.<sup>44</sup>

### Quebec

243. In Quebec, the *Youth Protection Act* (YPA) defines neglect as a situation in which the child's parents or the person having custody of the child fail to meet the child's basic needs, including the child's basic physical needs, fail to give the child the care required for the child's physical or mental health, or fail to provide the child with schooling. Emotional neglect is otherwise considered under the guise of "psychological ill-treatment".
244. With respect to the child's basic physical needs, neglect may be evident when the child's parents or the person having custody of the child fail to meet the child's needs with respect to food, clothing, hygiene or lodging, taking into account their resources. Parents have an obligation to meet those needs even where financial resources are limited. In such a case, community resources are available. Poverty, in itself, does not constitute a dangerous situation.

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<sup>43</sup> For more information regarding welfare benefits, see: <http://www.gov.mb.ca/fs/manuals/eia/6.1/index.html#s614>.

<sup>44</sup> For more information on the *Eligibility Spectrum* (October 2006), the *Child Protection Standards* (February 2007) and the *Child Protection Tools Manual* (February 2007), please see: <http://www.oacas.org/pubs/oacas/eligibility/index.htm>; <http://www.children.gov.on.ca/htdocs/English/documents/topics/childrensaidd/childprotectionstandards.pdf>; and <http://www.children.gov.on.ca/htdocs/English/documents/topics/childrensaidd/childprotectionmanual.pdf>.

245. Where the child's physical or mental health is concerned, neglect is observed when the child's parents or the person having custody of the child fail to give the child the care required or do not allow the child to receive such care.
246. From an educational perspective, neglect refers to a situation where the parents, or the person having custody of the child, fail to provide the child with the appropriate supervision or support, or fail to take the necessary steps to provide the child with schooling.
247. The YPA also applies in a situation in which there is a serious risk, that is, a high likelihood that the child will be a victim of neglect. Certain problems are more likely to result in a serious risk of neglect because they affect the exercise of parental responsibilities. These problems include the following: addiction problems, the presence of major mental disorders or major psychological distress, intellectual disabilities; and involvement in criminal activities.
248. Accordingly, an analysis of the facts and overall risk and protective factors must always consider the consequences of the parents' inappropriate behaviour on the child. For dangerous situations based on a serious risk of neglect, they must be established on the same standard of proof as other dangerous situations, that is, on a balance of probabilities.
249. Finally, a number of provisions are made to ensure closer involvement of Aboriginal communities in the application of the YPA, including collaborative agreements between youth centres and First Nation communities. These items are covered in greater detail in the following section.
250. While the removal of children from their parents' custody does not have a bearing on the payment of social assistance benefits to the parents, it does impact the additional amounts (called "adjustments") that parents receive for dependent children. Sections 12 and 14 of the *Individual and Family Assistance Regulation* provide the following:
- if a dependent child is removed from his or her family and an intervention provides that the child shall be gradually reintegrated into the family, the child remains in his or her family's composition, for the period during which the child is sheltered or taken in charge. Adjustments for dependent children continue to be granted to the family during this time; and
  - if a dependent child is removed from his or her family and there is no intervention plan providing for a gradual reintegration into the family, or where such a plan ceases (in the case of final placement), the child loses his or her dependent child status and ceases to be a member of the family as of the third month following the month in which the child was sheltered or taken in charge. Adjustments for children cease to be granted to the family.

#### *Nova Scotia*

251. Child protection services in Nova Scotia are about protecting children under 16 years of age from abuse and/or neglect while making every effort to keep families together. Under the *Children and Family Services Act*, designated social workers in child welfare agencies are required to assess reports of alleged child abuse and neglect. Neglect is defined as any lack of care that may cause significant harm to a child's development or endangers the child in any way.
252. When a child has been taken into care and the parent is a recipient of income assistance, if the parent is participating in a program or plan of action to have the child returned or there is a valid

reason that the parent cannot participate in such a program or plan of action, the parent continues to receive income assistance as if the child were still in the care of the parent for up to 2 years.<sup>45</sup>

#### *Newfoundland and Labrador*

253. In Newfoundland and Labrador, the *Children and Youth Care and Protection Act (CYCP)* and related policies does not use the term neglect to define a child in need of protective intervention; however, there are many parental actions and behaviours that could be described as neglectful, including failure to provide essential medical, psychiatric, surgical or remedial treatment to a child, inadequately supervising a child and abandonment. It is important to note that the categories of harm (physical, sexual, emotional, neglect) are not mutually exclusive, meaning that parental behaviours and actions defined as neglectful may also pose a risk of physical, sexual or emotional harm to a child and vice versa.
254. Income Support benefit rates in the province are based on family composition as well as the type of accommodations the individual or family resides in. Where there are changes in the family composition for any reason, including removal of children under the CYCP, basic benefits are recalculated to reflect the new family composition. In some instances, this may mean a reduction in benefits, but in a few scenarios, this actually means an increase in benefits.
255. In the case of shelter benefits (rent or mortgage), there is provision to continue paying the family rates (as opposed to single rates) where a 'family' is reduced to a single person. This may be due to the death of a partner, separation from a partner or where all dependent children have left the income support case – this usually relates to the child reaching adulthood, or leaving the home for any other reason, including removal under CYCP legislation.

#### *Yukon*

256. Section 21(1) of the *Yukon Child and Family Services Act (CFSA)* outlines when a "child is in need of protective intervention". The Act does not include a definition of neglect. The CFSA outlines in the Guiding Principles (section 2) that children must be protected from harm but the primary responsibility for the safety, health and well-being of a child is with the family; families are the primary influence on the growth and development of a child and as such, should be supported to provide for the care, nurturance and well-being of a child; extended family members should be involved in supporting the health, safety and well-being of a child; and First Nations should be involved in decision-making and planning for their children.

#### *Northwest Territories*

257. Neglect includes failing to (intentionally or unintentionally) care for or meet the needs of dependents who cannot meet their own needs. Neglect includes failing to provide: adequate nutrition, clothing and other necessities; adequate personal care (e.g. failing to turn a bedridden person frequently); safe and comfortable conditions; a clean environment; sufficient space for personal privacy; or transportation to necessary appointments and occasional outings.

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<sup>45</sup> *Employment Support and Income Assistance Regulations*, subsections 16(4) and (5), made under section 21 of the *Employment Support and Income Assistance Act*, S.N.S. 2000, c. 27.

258. Neglect may also include: leaving incapacitated people alone too long; failing to remain with those who need help; or abandoning dependents.
259. The *Child and Family Services Act* of the Northwest Territories includes provisions that speak to when a child may need protection, which relate to some degree to neglect.<sup>46</sup>
260. Where a child is removed from a parent's care for more than 30 days and placed in an extended family resource, a regular foster home resource or a treatment resource, the government of the Northwest Territories applies for the Child Tax Credit benefit for the child. When the parent regains or resumes the day-to-day care of their child, the Child Tax Credit is returned to them.

#### *Nunavut*

261. The Nunavut Department of Family Services defines neglect as ignoring the needs of a child or failing to keep a child healthy and safe from harm. Further, failure to feed a child sufficiently, failing to seek necessary medical attention for a child, or ignoring the child for long periods of time are all forms of neglect. Refusing to cease the physical, emotional, or sexual abuse of a child is also a form of neglect.

#### **Removal of Children**

262. Canada is committed to improving the safety and well-being of First Nations children on reserve and child welfare services on reserve remain a priority.
263. AANDC's First Nation Child and Family Services (FNCFS) Program funds child and family services agencies established, managed and controlled by First Nations and delegated by provincial or territorial authority. In areas where FNCFS agencies do not exist, AANDC funds services provided by provincial or territorial organizations or departments. The Program funds 105 First Nation Child and Family Services agencies (and provinces and the Yukon Territory where there are no agencies) to deliver culturally-appropriate child and family services on-reserve in accordance with provincial or territorial legislation and standards.
264. In all jurisdictions, funding is provided to support the delivery of culturally-appropriate prevention and protection services for First Nations children and families, in accordance with provincial or territorial legislation and standards.
265. As provinces have shifted to a greater emphasis on enhanced prevention in their own approaches, AANDC has moved forward to implement an Enhanced Prevention Focused Approach (EPFA) to funding child and family services on-reserve. EPFA provides funding for additional supports and tools that allow parents to better care for their children before a situation becomes a matter of protection.
266. AANDC's collaborative work with First Nations, provinces and Yukon ensures that best practices in child welfare such as alternate care options and supports (kinship care options where a child is placed with an extended family member so that cultural identity and traditions may be maintained,

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<sup>46</sup> For more information, please see:

<http://www.justice.gov.nt.ca/PDF/ACTS/Child%20&%20Family%20Services.pdf>.

post-adoption subsidies and supports) as well as prevention-based services, are brought to all First Nation communities in accordance with the provincial and territorial legislation. Some of these practices are helping to encourage permanent placements for First Nation children within their community.

267. With respect to the question of women's poverty, in general, a family that is in receipt of income assistance and whose child stays away from the parental home on a short term basis (1 to 2 years or less) are not likely to have a material or tangible impact on the benefit levels. Some provincial income assistance authorities look to see if there is a plan in place for the child to return home within a specified time frame. If so, they defer or annul the need to reduce family benefits. This is done to allow the family to maintain the child's primary place of residence and to prevent the family from experiencing financial shocks.
268. The federal government works closely with provinces and territories to address the economic security of Aboriginal families. In Canada, social security measures are predominantly areas of provincial jurisdiction; however, the constitutional distribution of powers allows for federal intervention in the area of pensions and unemployment insurance, with the provinces and territories retaining the primary responsibility for social policy. Consequently, federal social security measures that benefit Aboriginal peoples are delivered through direct federal program delivery, coordinated FPT delivery, grants and contributions in partnership with third party organizations, and transfers to provinces and territories. Canada acknowledges that the needs of Aboriginal peoples living off-reserve are complex, interconnected, and require all levels of government, the private sector, non-profit organizations and communities to work together.
269. Aboriginal peoples living off-reserve benefit from the same programs as all Canadians as well as additional initiatives to address the prevalence of low income and unemployment in their communities. The Government of Canada approach emphasizes giving all Aboriginal peoples living off-reserve the skills and opportunities to achieve self-sufficiency, while providing targeted supports for those facing particular barriers. Education, employment, housing and income supports provide a necessary social safety net to the most vulnerable, while also promoting labour market participation as the long-term solution to overcoming poverty.
270. In particular, the Government of Canada is taking action to prevent homelessness and improve housing options for Aboriginal people. Under Canada's Homelessness Partnering Strategy, governments, communities, and the private and voluntary sectors work together using a "housing first" approach to strengthen capacity and to prevent and reduce homelessness. Many projects target young people, women fleeing violence, seniors, persons with disabilities, recent immigrants, and off-reserve Aboriginal people in need of support. Between 2007 and 2011, this strategy created more than 4,500 new permanent shelter beds; placed over 38,000 people in more stable housing; helped almost 10,800 Canadians pursue education or training opportunities; and assisted more than 7,000 people find part-time work and another 7,500 to find a full time job. The Government of Canada recently renewed its commitment to this strategy with an investment of \$119 million per year, over 5 years.
271. In addition, there are several programs available to women living in poverty, working poor or welfare recipients, especially for single parents, whose goals include reduction of child poverty and decreased barriers for parents to become or remain attached to the workforce. Some programs are aimed at directly assisting women to increase their employability through training and various types of other pre-employment measures, including health and psychological interventions. There

are also programs for children, for example, some that provide community-based supports and services for children in low-income families.

### *British Columbia*

272. Reports of suspected child abuse and neglect are assessed on a case-by-case basis and, depending on circumstances, warrant different types of responses. Indicators pertain to risks to a child's safety and well-being, and a child is removed only if criteria in section 30 of British Columbia's *Child, Family and Community Service Act* (CFCSA) are met, namely that the child's health and safety is in immediate danger, or that no other less disruptive measure available is adequate to protect the child. Examples of less disruptive measures could be: offering family support services; referring the child and/or family to a community agency; a section 28 CFCSA protection order; section 25 CFCSA provisions of taking a child to a place of safety while an appropriate guardian is sought; and placement with a relative or other individual by consent. If removal is necessary, preference is given to seeking an out-of-care order, which places the child/youth in the custody of an individual other than a parent (extended family member or someone known to the child).<sup>47</sup>

### *Alberta*

273. Alberta is moving from a model that focuses on "rescuing" children to a model that focuses on supporting families. This means investing in early wrap-around supports for families who are struggling and re-evaluating the perception of risk and danger. The goal is to have more children receive services at home, less children come into care and children who are in care placed with family members or in kinship placements whenever possible.
274. Alberta is implementing a strengths-based approach to child protection that provides clarity for child intervention workers about their role in assessing and determining safety risks. The aim is to work in partnership with families to increase safety and reduce risk by focusing on the family's strengths, resources and support networks.
275. Alberta is further investing in basic supports such as food, shelter, clothing and safety for the most vulnerable so that children who are experiencing neglect due to poverty do not require more intrusive intervention services.
276. Alberta believes that it will continue to see decreasing caseloads (for Aboriginal and non-Aboriginal children) because of intentional shifts in practice.
277. A Child Intervention Practice Framework is in development, and is based on the following principles:
- *Indigenous Experience*: First Nations, Métis and Inuit people have always had their own ways of ensuring that vulnerable members, including children, are safe and protected. Alberta honours that experience by recognizing the Indigenous expertise in matters concerning their children, youth and families;

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<sup>47</sup> For more information, please see: Alternatives to Foster Care: [www.mcf.gov.bc.ca/alternativestofostercare/index.htm](http://www.mcf.gov.bc.ca/alternativestofostercare/index.htm); and the *BC Child, Family and Community Service Act*: [www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96046\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96046_01). For information on the British Columbia's Persons Fleeing Abuse program, see [www.gov.bc.ca/meia/online\\_resource/application/fleeabuse/](http://www.gov.bc.ca/meia/online_resource/application/fleeabuse/).



- *Connection:* Alberta supports children and youth to maintain relationships that are important to them, be connected to their own culture, practice their religious beliefs and, for those in care, to be included in the decision-making process regarding their care;
- *Collaboration:* Alberta's approach is child-focused and family-centred. Alberta collaborates with families, community agencies and other stakeholders in building positive, respectful partnerships across integrated multidisciplinary teams and providing individualized, flexible and timely services to support these efforts;
- *Continuous Improvement:* Alberta shares and uses information appropriately. Its approach is outcome-oriented and evidence-based, such that it supports innovative practice, monitors performance and strives for continuous improvement;
- *Strengths-Based:* Alberta has reflective, culturally-responsive and strengths-based approaches. Because all families have strengths and resources, there is recognition and support for the right and responsibility of parents to share in the decision-making process for them and their children; and
- *Preserving the Family:* Alberta believes that children and youth should be safe, healthy and live with their families. The focus is therefore on preserving and reuniting families and building on the capacity of extended family and communities to support children, youth and families.

*Saskatchewan*

278. It bears noting that when the Saskatchewan Ministry of Social Services receives a referral of child abuse and neglect, that does not necessarily mean that the Ministry will remove the children from his or her home. Each year the Ministry works with and supports far more children in their family homes than in out-of-home care.

<b>Active Child Protection Case due to Neglect by Constitutional Status</b>	
As of October 31, 2013	
	<b>Count of Cases</b>
<b>Métis</b>	78
<b>Non-status Indian</b>	24
<b>Other</b>	263
<b>Status Indian</b>	584
<b>Unknown</b>	58
<b>Grand Total</b>	<b>1007</b>

*Data Source: Linkin*

279. Information from the Canadian Incidence Study 2008 provided in the 2010 Saskatchewan Child Welfare Review Panel's *Final Report: For the Good of Our Children and Youth* outlines that 56% of substantiated maltreatment in Saskatchewan may be attributed to neglect and 51% of families were on social assistance. However, solely because someone has limited financial means does not

mean that the family would meet the mandate for neglect. Consequently, the Ministry must have reliable means of defining and assessing neglect.

280. Saskatchewan implemented the Structured Decision Making (SDM®) System for Child Protective Services in 2012. The Saskatchewan model was developed by Saskatchewan Social Services in consultation with the Children's Research Centre (CRC), a non-profit social research organization and a centre of the National Council on Crime and Delinquency. The CRC has been working to improve child safety, permanency, and well-being since its establishment in 1993. CRC works in partnership with child-serving agencies to improve direct practice and organizational operations through models that integrate evidence-based assessments, family-centered engagement strategies and implementation science.
281. The SDM® system for child protective services is a decision-making system that is based on an actuarial model of risk assessment. The model adopted and customized by Saskatchewan includes a series of assessment tools that assist caseworkers in making decisions at critical points in the life of a child protection case. The model includes an intake assessment tool that assists the caseworker in determining whether or not there are grounds to believe a child may be in need of protection and there is a need for child protection involvement to assess the family's need for services.
282. The model also includes assessment tools that assess the immediate safety of a child, the probability of future maltreatment of a child and the strengths and needs of the child and caregivers which ultimately assist the caseworker in making decisions about removal of children from their home, safety planning and case planning with the family.
283. The SDM® assessments have the characteristics of reliability, validity, utility and equity. The characteristic of equity is of particular importance to the Saskatchewan child welfare demographic in that First Nations children are over-represented in the number of children in care. SDM® assessments ensure that critical case characteristics, safety factors, and domains of family functioning are assessed for every family, every time, regardless of social differences. Detailed definitions for assessment items increase the likelihood that caseworkers assess all families using a similar framework. Research demonstrates racial equity of the risk assessment in classifying families across risk levels.

#### *Flexible Response Pilot*

284. The Flexible Response Model in Saskatchewan is being developed as part of a larger movement in child welfare and as a result of the recommendations in the 2010 Saskatchewan Child Welfare Panel Report *For the Good of our Children and Youth*.
285. There is recognition that traditional responses to reports of child harm are adversarial and not responsive to families' individual circumstances. The Flexible Response Pilot will assist in informing the further development of the Flexible Response Model for Saskatchewan.
286. The Flexible Response promotes alternative approaches to service delivery and decision-making and creates more flexibility. Differential response models, sometimes referred to as "multi-track systems" or "alternative response models" have been developed in a number of jurisdictions in Canada, the United States and Australia.
287. The development of the Flexible Response Model is informed by the guiding principles of the Touchstones of Hope Reconciliation movement. The Touchstones of Hope will not only guide the

province, but will also provide a framework to measure success in creating better outcomes for children and families.

288. A Flexible Response Pilot began in October, 2013 in Saskatoon, Saskatchewan. The Pilot model was developed together with First Nations and Métis community members and agencies. The model also includes the ongoing involvement of the First Nations and Métis community in decision-making and case planning in child protection matters. Their participation will ensure that services are culturally-competent and that the interests of First Nations and Métis children are represented.
289. The goals of the Flexible Response Model are to:
- maintain a primary focus on child safety;
  - promote permanency for children within the family and community;
  - increase emphasis on engaging families in services;
  - build on existing strengths and increase families' capacity;
  - support families in accessing culturally-competent services;
  - integrate the use of clinical tools within a broader, more flexible approach to service delivery; and
  - strengthen assessment and decision-making by using a decision-making model that is family-, community- and culturally-competent.
290. The Flexible Response Pilot model supports 2 approaches to investigating allegations of abuse and neglect. Currently, the model has 2 investigation pathways, one of which is for reports of child harm that are severe in nature and may require a joint investigation with police. This approach is focused primarily on ascertaining facts or substantiating an incident of abuse or neglect and would be highly structured. The second approach is for reports of child harm that are less severe in nature and focus on worker-family/caregiver relationships. With the second approach, engagement is a vehicle for assessing child safety, risk and family strengths and needs. This approach is less structured and is customized depending on the needs and strengths of the family.
291. Within the model, families with allegations of neglect and domestic violence will be streamed into the second pathway, unless the allegations include severe forms of neglect or domestic violence resulting in physical abuse of a child. The primary focus is still child safety, but the ability to engage with the family is maximized and, as a result, the ability to address structural barriers such as poverty, lack of resources and supports in the community and social isolation that affect risk and safety of children is maximized.
292. The Flexible Response Model design for the province will be completed overtime and will be informed by the Pilot in Saskatoon. One of the goals of the model development is to add another pathway that will be designed to provide a well coordinated continuum of preventive, culturally-competent services to families who are screened out of child protection services but still present a level of risk due to structural barriers such as poverty, lack of support and social isolation.

Community-based supports for children, youth and families

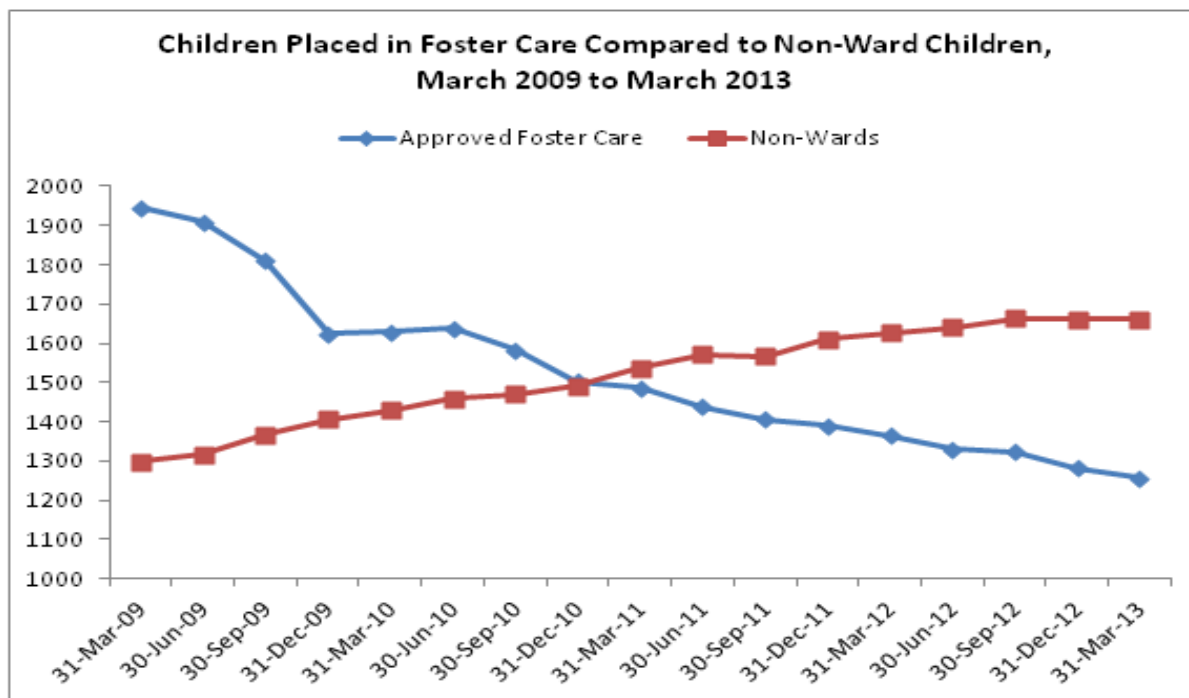
293. In addition to the assessment of risk, there are several programs operated by community-based organizations that support families and ultimately reduce the number of children coming into care, including:

- *Intensive In-Home Support*: operate in three centres (Yorkton, Regina and Saskatoon) providing an intensive response to family crisis to ensure the personal safety of children while allowing them to remain within the family home;
- *Family Support*: operate in many centres throughout the province providing direct support services to families by strengthening communication and problem solving skills, and enhancing family cohesion;
- *Intensive Direct Service* (this includes outreach services, programs for sexually exploited youth, safe shelters for sexually exploited youth, mentor programs, emergency placement programs, life skills programming, etc.): services operating throughout the province provide mentorship and support for at risk families, reduce the number of children/youth coming into care and support the preservation of families where appropriate; and
- *Services to Teen Parents*: operate throughout the province providing support and services to pregnant young women, young and new parents and their children, i.e., Baby Steps/Michael's Place in Saskatoon.

Out-of-Home Placements for Children and Youth

294. In circumstances where children are not able to remain in their home, every effort is made to access extended family placements for children and youth. These placements are subject to approval and may be financially supported through the Persons of Sufficient Interest Caregiver Program or Alternate Caregiver Program.

295. The number of children being placed as non-wards, or children who are placed with extended family and "persons of sufficient interest", as opposed to being placed into approved foster care as a ward of the Minister, has steadily increased since 2009, as shown in the chart below.



Source: Automated Client Index and Linkin

296. Where extended family placements or culturally-appropriate placements are not readily available, family connections planners and case workers collaborate with the 17 First Nations Child and Family Service Agencies (which provide on-reserve child welfare services to First Nations individuals in Saskatchewan) across the province to explore extended family placements or culturally-appropriate placements options.
297. Where extended family placements or individuals with a pre-existing connection to the child are not available, culturally-appropriate placements are sought. The Ministry currently actively works with the Saskatchewan Foster Families Association and other community-based organizations (for instance, Fox Valley Counselling Services) to recruit and retain Aboriginal foster families.
298. There are also a number of First Nations or Métis organizations and community-based organizations across the province that have developed and operate out-of-home care placements (for instance, group homes) for children and youth across the province.
299. In addition to the foregoing, in 2012, Saskatchewan launched an Aboriginal Family Courtwork program to assist Aboriginal parents to navigate the family court system in child protection cases. Aboriginal family courtworkers provide information, counselling, liaison and referral services at family courts in Regina, Saskatoon and Prince Albert.

#### Manitoba

300. Women living in poverty in Manitoba do not lose custody of their children “strictly because of their economic situation”. Children come into the care of child and family services when they are in need of protection.

301. While the composition and growth rate of Manitoba's population, economic conditions and employment rates are factors that affect the number of children in care, family and community relations and supports also undoubtedly play a role. There are numerous programs that provide supports to individuals coping with challenges such as drug and alcohol use, and unemployment. There are also parenting programs available to Manitoba parents.
302. As part of Manitoba's Changes for Children initiative, the Child Protection Branch of Family Services Manitoba has begun to implement a Differential Response/Family Enhancement approach to child welfare. This early intervention and prevention approach provides services where immediate child protection concerns or the apprehension of a child is not warranted, but where families are struggling with challenges that, if left unaddressed, could result in children being at risk in the future. With this prevention-focused approach, Manitoba intervenes early in a supportive manner so that the more intrusive and potentially adversarial child protection response may not be required. By intervening early, before children's safety is at risk, Manitoba can help to preserve and strengthen families and prevent children from coming into care. This intervention and prevention approach is expected to decrease the number of children in care in Manitoba, over the long run. Importantly, Manitoba also offers culturally-appropriate services for a family or person seeking the involvement of child and family services.
303. To address poverty in the province, Manitoba passed the *Poverty Reduction Strategy Act* in June 2011, established the ALL Aboard Strategy (2009), and instituted annual budgetary procedures. The ALL Aboard Strategy is a poverty reduction and social inclusion strategy which formalizes and builds upon poverty reduction efforts underway in the province.<sup>48</sup> Since 2002, the rate of low-income individuals has gone down by 10.2% and clear progress has been made on 12 (of 21) indicators of poverty since the ALL Aboard Strategy was established.
304. Additionally, Manitoba has Aboriginal group specific child care authorities that assist in the administration and delivery of child and family services in Manitoba.<sup>49</sup>

#### *Ontario*

305. In 2013, Ontario introduced the following initiatives to support culturally-appropriate placements and options for Aboriginal children and youth so that they remain connected to their communities and culture.
306. For example, the Ministry of Children and Youth Services has released a practice guide for Children's Aid Societies and First Nations on formal customary care in order to increase culturally-appropriate placements for First Nations children and youth. Formal customary care is a placement option for First Nation children to live in their communities according to the customs and traditions of their Bands. The guide is intended to familiarize child welfare practitioners with the concept and the practice of formal customary care as a culturally-appropriate placement option so that First Nations children and youth are protected and remain strongly connected to their

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<sup>48</sup> For more information on the Strategy, please see: <http://www.gov.mb.ca/allaboard/>.

<sup>49</sup> For example, s. 4 of *The Child and Family Services Authorities Act*, C.C.S.M. c. C90 lists authorities that are specifically tailored to provide services to Aboriginal families. Those authorities are: (a) the First Nations of Northern Manitoba Child and Family Services Authority; (b) the First Nations of Southern Manitoba Child and Family Services Authority; (c) the Métis Child and Family Services Authority; (d) the General Child and Family Services Authority. Further, Principle 11 of *The Child and Family Services Act*, C.C.S.M. c. C80, states that "Indian bands are entitled to the provision of child and family services in a manner which respects their unique status as aboriginal peoples."

cultures and communities. Training on customary care is being delivered across the province in 2013 and early 2014.

307. The Ministry also funded the Association of Native Child and Family Services Agencies of Ontario to develop a request for services for the development of an Aboriginal cultural awareness training module for non-Aboriginal Children's Aid Societies and a culturally-appropriate home study tool for use by Children's Aid Societies when working with prospective Aboriginal caregivers.

### *Quebec*

308. In Quebec, it is the child's best interests that are determinative in all decisions taken concerning the child. The principle of the best interests of the child is crucial in Quebec law and is found in article 33 of the *Civil Code* and section 4 of the *Youth Protection Act* (YPA).

309. The best interests of the child are assessed having regard to the moral, intellectual, emotional and physical needs of the child, the child's age, health, personality and family environment, and other relevant aspects of his situation.

310. Furthermore, it is important to note that section 4 of the YPA provides the following:

4. Every decision made under this Act must aim at keeping the child in the family environment.

If, in the interest of the child, it is not possible to keep the child in the family environment, the decision must aim at ensuring that the child benefits, insofar as possible with the persons most important to the child, in particular the grandparents or other members of the extended family, from continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age and as nearly similar to those of a normal family environment as possible. Moreover, the parents' involvement must always be fostered, with a view to encouraging and helping them to exercise their parental responsibilities.<sup>50</sup>

311. The decision to remove a child from the family and proceed with the child's placement in an alternative environment is taken following a thorough assessment of the situation and analysis of all possible alternatives. If the child is removed from the family, the child's extended family shall be considered first.
312. It also bears noting that in 2001, the YPA was amended to include a provision allowing for agreements between Quebec and interested Aboriginal nations or communities for the establishment of a specific youth protection regime to adapt the terms of application of the Act to Aboriginal realities. Further, an agreement with the Atikamekw Nation Council is anticipated soon.
313. Moreover, memoranda of understanding currently exist between youth centres and First Nation communities regarding the application of the YPA. The intent of these agreements is to ensure the communities' involvement at each stage of the enforcement process of the YPA. Thus, if the child is considered to be in danger following an assessment of the situation, the decision as to the directing of the child is made in close collaboration with community members. In addition, in some

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<sup>50</sup> For more information on Quebec's *Youth Protection Act*, ch. P-34.1, please see: [http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/P\\_34\\_1/P34\\_1\\_A.HTM](http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/P_34_1/P34_1_A.HTM).

communities, stakeholders involved in the application of youth protection measures are employed by the community.

314. Finally, 2 Aboriginal nations are responsible for the application of the YPA and services that flow from the Act, that is, the Cree and the Inuit. These nations have their own youth protection directors and manage institutions that ensure the provision of services themselves.
315. In Quebec, a number of measures aim at keeping the child in the family environment. For example, the Programme-services Jeunes en difficulté groups services for youth, from early childhood to adulthood, with developmental or behavioural issues, or social adjustment problems (delinquency, violence, suicide, etc.). This program is also intended for youth who require appropriate assistance to ensure their security and development (abuse, neglect, etc.) or to prevent them from being in danger. This program also includes services for the families of the youth involved.
316. The services provided to troubled youth and their families include the following:
- psychosocial follow-up services;
  - neglect interventions;
  - crisis intervention and assertive community treatment;
  - rehabilitation care and placement follow-up services in the context of the *Act Respecting Health Services and Social Services*; and
  - post-adoption services.
317. Direct support to families consists of support measures in the form of respite, service calls, material assistance, live-in caregivers and other forms of support aimed at keeping the child in the family environment and preventing his or her placement.
318. With respect to the development of front-line services in the Aboriginal communities of First Nations, in 2009, the Government of Canada, the Government of Quebec and the Quebec First Nations reached an historic tripartite framework for Quebec First Nations child welfare.
319. The Government of Quebec supports the development of front-line services in the 29 Aboriginal communities involved in the transfer of knowledge and expertise to stakeholders, the delivery of training programs and access to the computer applications of the Réseau québécois pour la gestion des dossiers en services sociaux de 1re ligne et en protection de la jeunesse [translation: Quebec network for the management of front-line social services and youth protection records].

#### *New Brunswick*

320. Most Aboriginal children in New Brunswick live in one of the First Nation communities. Very few children would be in care outside of their communities. Individual First Nations have Child Protection Social Workers who are designated by the Minister and who provide services under the *Family Services Act*, but who work to meet the needs of each community.



*Nova Scotia*

321. The Nova Scotia Children in Care Manual requires that when an Aboriginal child is placed in the care and custody of an agency by the court, the agency must transfer the child's guardianship to the Mi'kmaq Family and Children's Services.<sup>51</sup>

*Prince Edward Island*

322. In Prince Edward Island, the Mi'kmaq Family PRIDE (Prevention, Respect, Intervention, Development and Education) family support program provides prevention services and supports the protection of children in both First Nations. Pivotal to the development of the Mi'kmaq Family PRIDE Program is the belief that children, families and communities benefit most from services that are sensitive to, and congruent with, their cultural beliefs and traditional values. Accordingly, the underlying philosophy of the Mi'kmaq Family PRIDE Program is to provide a holistic and culturally-sensitive approach to individual, family and community wellness and risk reduction through prevention services and protection support. The PRIDE program works with the provincial Child and Family Services and is involved in the Policy and Planning Forum on Child and Family Services.
323. Child protection cases are given the highest level of priority by Prince Edward Island Legal Aid. Before a child can be removed from parental custody, temporarily or permanently, it must be established that the child is in danger and in need of protection. While a parent's economic situation can be a root cause of a child's need for protection, it is not accurate to suggest that children are removed by child protection "strictly because of a parent's economic situation".

*Newfoundland and Labrador*

324. In Newfoundland and Labrador, the removal of children only occurs when a child is determined in need of protective intervention and a less intrusive course of action to adequately protect the child is unavailable. Least intrusive interventions include having the child remaining safely at home with the parents (sometimes with the provision of emergency financial assistance to purchase basic necessities for the child) and assessing the suitability of an out-of-home arrangement with kin or significant others in their home community, if the child cannot remain safely in the parental home. Newfoundland and Labrador developed a program to support kinship arrangements which includes financial and case management supports for the child and kin family. These arrangements help children stay in their Aboriginal communities.

*Yukon*

325. The *Yukon Child and Family Services Act*, proclaimed in 2010, mandates a different approach to working with children, families and First Nations in planning and decision making with respect to the care, safety and well-being of children. Supports are provided to the parents and extended family to assist parents in caring safely for their children and, if out-of-home care is needed, that extended family is the first choice for this alternative care, without bringing the child into the formal care of the Director. Cooperative planning and Family Conferencing is mandated to ensure parents, extended family, and First Nations are involved in planning and decision making.

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<sup>51</sup> For more information, please see:

[http://novascotia.ca/coms/families/documents/Children\\_in\\_Care\\_Manual/Children\\_in\\_Care\\_Section\\_4.pdf](http://novascotia.ca/coms/families/documents/Children_in_Care_Manual/Children_in_Care_Section_4.pdf).

*Northwest Territories*

326. The Northwest Territories *Child and Family Services Act* includes principles that guide the work of child protection workers. The following are examples of principles that support the practice of keeping families together:

- the family's well-being should be supported and promoted;
- parents are responsible to care and provide for, and to supervise and protect, their children;
- measures taken for the protection and well-being of children should, to the extent possible, promote family and community integrity and continuity;
- communities should be encouraged to provide, wherever possible, their own child and family services;
- children, where appropriate, and parents should participate in decisions affecting them;
- children, where appropriate, parents, and adult members of the extended family should be given the opportunity to be heard and their opinions should be considered when decisions affecting their own interests are being made;
- services to children and their families should cause the least amount of disruption to the family and should promote the early reunification of the child with the family; and
- children should be supported within the context of their family and extended family to the greatest extent possible by the Director providing services or assisting others in providing services on a voluntary basis to support and assist the family.

327. Under the *Child and Family Services Act*, voluntary support services can be provided to assist the mother in a variety of areas. For example, child protection workers can demonstrate creativity and flexibility in administering these services, including the following: counselling; in-home support; respite care; parenting programs; services aimed at improving the family's financial situation or housing conditions; drug or alcohol treatment and rehabilitation; mediation of disputes; services aimed at assisting the family in dealing with the illness of a child or a family member; and all other services agreed to by the Director and the person with lawful custody of the child.

328. Extended family can be a very valuable support mechanism where voluntary support services are concerned. Parents and children can receive services by resorting to extended families or friends (provisional placements) within their communities as needed. The Child and Family Services System can support extended families and offer provisional resources financially to assist parents and their children in meeting their needs, whether it be for treatment, counselling or wait times while securing housing.

## **QUESTION 5: PROSTITUTION**

*The experts were informed that Aboriginal women and girls are dramatically overrepresented in prostitution in Canada. According to Section 213 of the Criminal Code, every person who, in any manner communicates or attempts to communicate with any person for the purpose of engaging in prostitution is guilty of an offence punishable on summary conviction (liable to a fine of not more than five thousand dollars or to a term of imprisonment not exceeding six months or to both).*

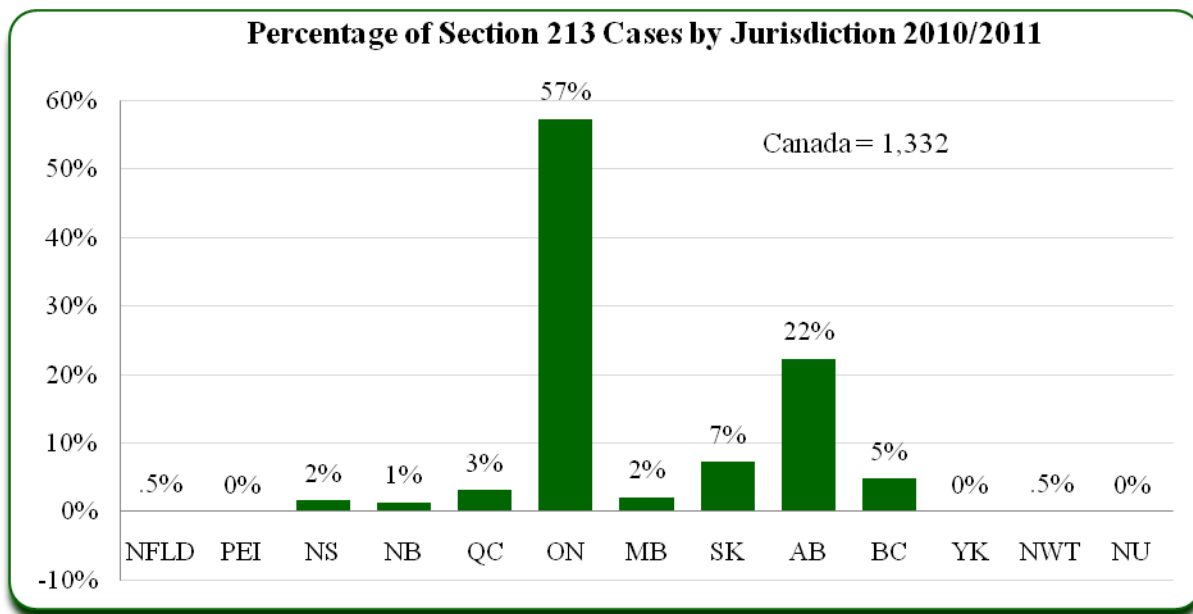
- a) *Provide statistics of prosecutions under Section 213 of the Criminal Code and outcome of cases for both sex workers and clients with a breakdown by province and by ethnicity (non-Aboriginal and Aboriginal).*

- b) Please indicate the extent to which the reported 'containment' policy practiced in Vancouver applies in other provinces/territories.
- c) Please also indicate the measures taken to help Aboriginal women to leave prostitution.

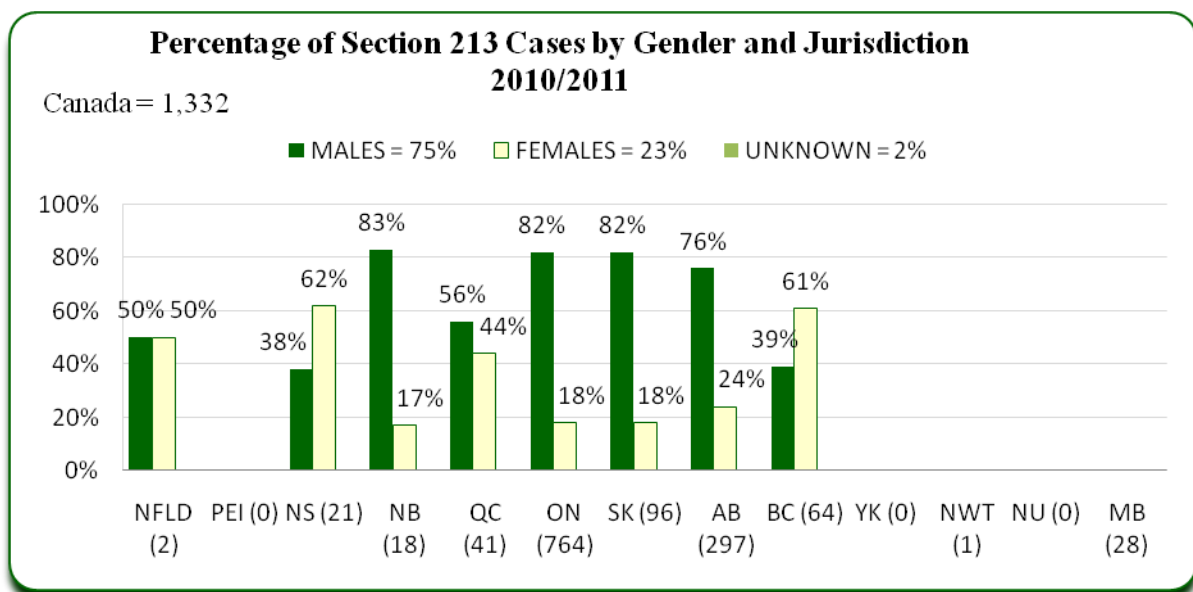
## Relevant Statistics

329. Section 213 of the *Criminal Code of Canada* prohibits communicating in a public place for the purpose of engaging in prostitution or of obtaining the sexual services of a prostitute. Section 213 is a summary conviction offence with a maximum penalty of 6 months imprisonment. It applies to those who communicate in public places for the purpose of selling or buying sexual services.
330. In December 2013, the Supreme Court of Canada (SCC) decided the appeal in *Bedford v. Attorney General of Canada*, which involved a constitutional challenge to 3 *Criminal Code* prostitution provisions: bawdy house (section 210); living on the avails of prostitution (paragraph 212(1)(j)); and communicating in a public place for purposes of prostitution (section 213). The SCC found all provisions to be inconsistent with section 7 of the *Canadian Charter of Rights and Freedoms* (that is, the right to life, liberty and security of the person and the right to not be deprived thereof except in accordance with the principles of fundamental justice) due to their negative impact on prostitutes' safety. The SCC declared all 3 provisions invalid. However, the SCC suspended the declaration of invalidity for 12 months to give Parliament the opportunity to enact new provisions if it chooses to do so. The Government of Canada is currently reviewing the decision and exploring all possible options to ensure that the criminal law continues to address the significant harms that flow from prostitution to communities, those engaged in prostitution, and other vulnerable persons. The Government of Canada is committed to the safety of all Canadians and the well-being of our communities. A number of other *Criminal Code* provisions remain in place to protect those engaged in prostitution and other vulnerable persons and to address the negative effects of prostitution.
331. Available statistics for 2010-2011 indicate that 1,332 cases involved section 213 charges as the most serious offence charged. Figure 1, below, provides a breakdown by jurisdiction: 75% of those cases involved male accused; 23% involved female accused; and in 2% of cases, the gender of the accused was unknown. Figure 2 below provides a breakdown by gender and jurisdiction.
332. Of these 1,332 cases, 23.8% involved a guilty verdict and 75.9% involved charges being stayed or withdrawn. Of the cases resulting in a guilty verdict (23.8%), 62% of those convicted were female and 36% were male. Of the cases where charges were stayed or withdrawn (75.9%), 87% of the accused were male and 10% were female. The remaining 0.4% of cases involved acquittals (50% each male and female) and 1 male who received an "other" decision. Figure 3 provides a breakdown by outcome and gender. Figure 4 provides a breakdown of cases involving guilty verdicts (23.8%) by gender and jurisdiction. Figure 5 provides a breakdown of cases where charges were stayed or withdrawn (75.9%) by gender and jurisdiction. Please note that "other" decisions include final decisions of found not criminally responsible, cases in which *Charter* arguments were raised and cases in which the accused was found unfit to stand trial.
333. It bears noting that these statistics do not indicate whether a person charged is a sex worker or a client. Although many prostitutes are female and many of their clients are male, this is not always the case. Furthermore, statistics cannot be broken down by ethnicity.

**Figure 1 – Percentage of cases involving section 213 charges as the most serious offence charged by jurisdiction<sup>52</sup>**



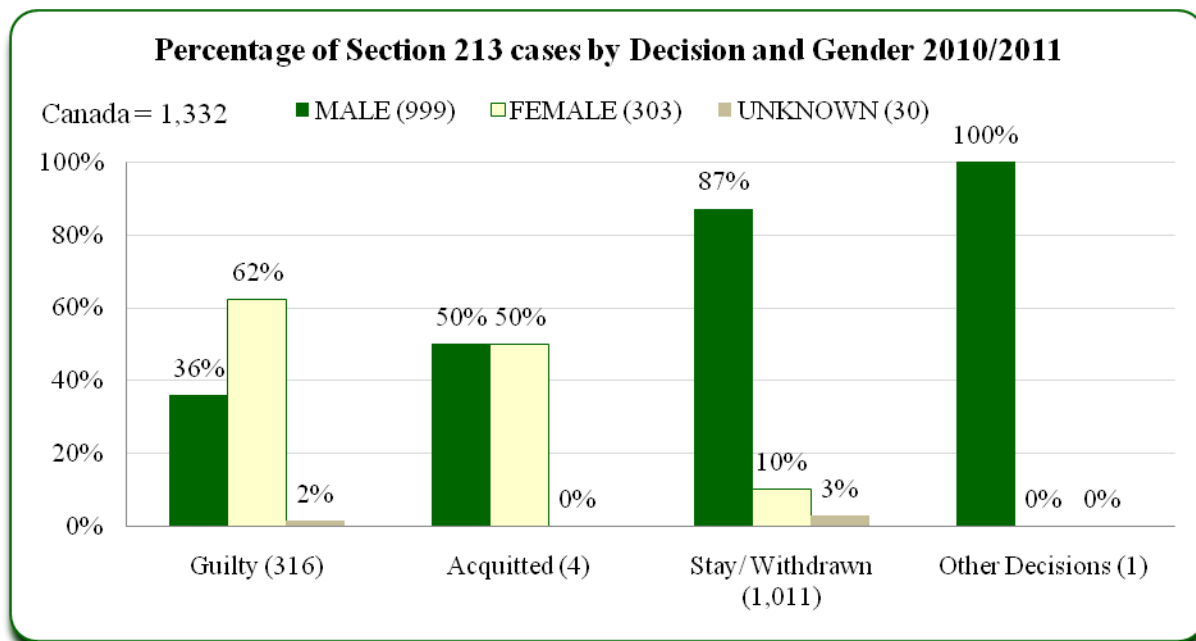
**Figure 2 – Percentage of cases involving section 213 charges as the most serious offence charged broken down by gender in each jurisdiction<sup>53</sup>**



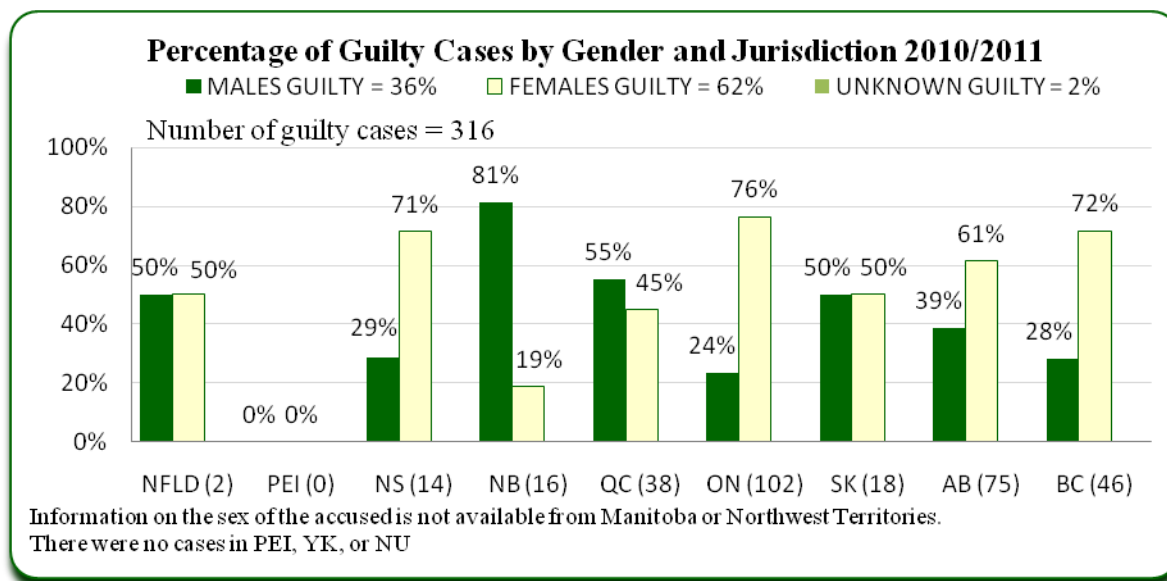
<sup>52</sup> Source: Canadian Centre for Justice Statistics (CCJS), *Adult Criminal Court Survey (ACCS)*. The custom tabulation was prepared by the Department of Justice Canada.

<sup>53</sup> *Ibid.*

**Figure 3 – Percentage of cases involving section 213 charges as the most serious offence charged broken down by outcome and gender<sup>54</sup>**



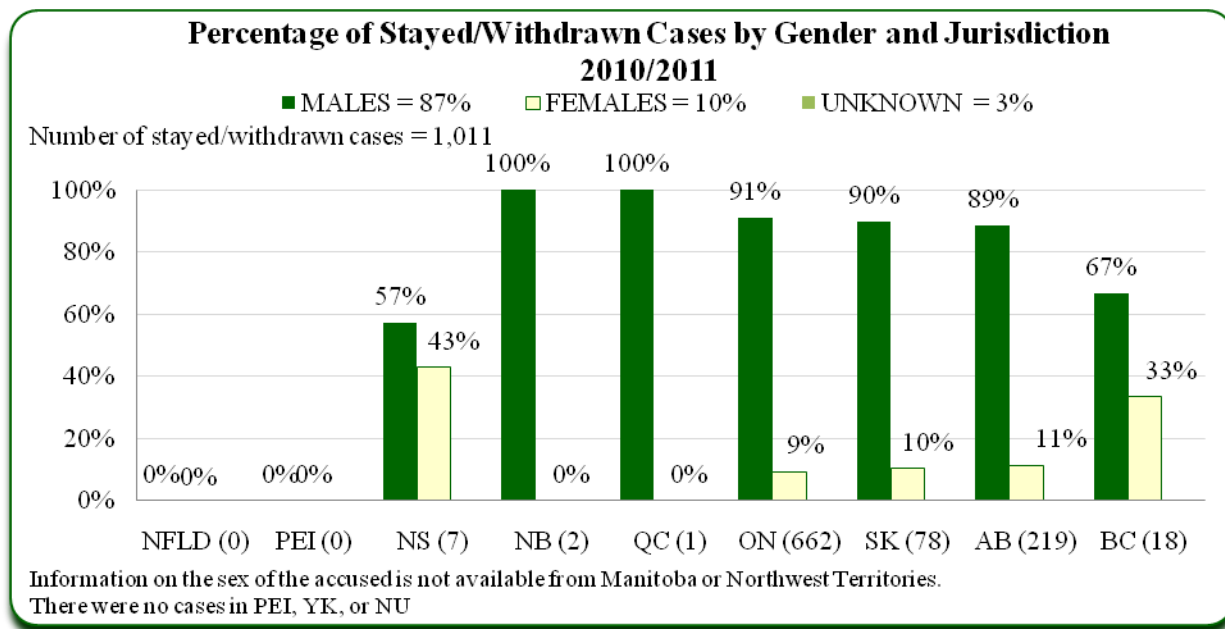
**Figure 4 – Percentage of section 213 cases resulting in a guilty verdict broken down by gender in each jurisdiction<sup>55</sup>**



<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

**Figure 5 – Percentage of section 213 cases where charges were stayed/withdrawn broken down by gender in each jurisdiction<sup>56</sup>**



334. Statistics Canada also has publicly available data on prostitution case outcomes for all Canadian jurisdictions, attached to this response as Annex 3.<sup>57</sup>

#### Saskatchewan

335. It is widely acknowledged that Aboriginal people account for a disproportionate number of individuals accused of prostitution-related offences in Saskatchewan. However, the Canadian Centre for Justice Statistics (CCJS) police-reported and adult criminal court data do not capture information on the Aboriginal status of accused persons or victims, nor do the court data break out prostitution-related cases by type (e.g., procuring, living off the avails, communicating, etc.).

336. This said, according to police-reported data, there were 205 prostitution-related incidents in Saskatchewan in 2012, of which 189 involved “other prostitution” as in communication offences. Of the adults charged, just over half (97 of 186) were female (no youth were charged).

337. Of 278 prostitution-related cases that were processed in the Saskatchewan adult criminal courts in 2011-2012, 40% of accused were male while 60% were female. Half of prostitution-related cases resulted in a finding of guilt while 45% of cases were stayed or withdrawn (this typically occurs when those accused of communicating offences successfully complete ‘John School’, a program that educates offenders about the impact of their activities on prostitutes, their families and the community).

<sup>56</sup> *Ibid.*

<sup>57</sup> **Annex 3:** Statistics Canada, 2013, *Adult criminal courts, number of cases and charges by type of decision.*

338. In cases where prostitution was the most serious offence, 5 of 19 guilty cases involved males while 14 involved females. Custody was the most serious sentence in 7 guilty cases, 5 resulted in probation and 2 in a fine, while 1 case resulted in an 'other' sentence (e.g. restitution, absolute and conditional discharge, suspended sentence, community service order and prohibition orders among others). All 7 cases where custody was the most serious sentence involved a female accused.

#### *Quebec*

339. Quebec does not have disaggregated data broken down by the ethnicity of the accused. Furthermore, the charges listed involve any person described in section 213 of the *Criminal Code of Canada* (not only prostitutes, or clients). The data is aggregated by the year the file was opened as follows:

- for 2008, there were 80 accused; 80 charges; and 75 guilty pleas or convictions;
- for 2009, there were 95 accused; 99 charges; and 83 guilty pleas or convictions;
- for 2010, there were 68 accused; 69 charges; and 62 guilty pleas or convictions;
- for 2011, there were 56 accused; 58 charges; and 44 guilty pleas or convictions;
- for 2012, there were 50 accused; 50 charges; and 41 guilty pleas or convictions; and
- for 2013, there were 23 accused; 24 charges; and 8 guilty pleas or convictions.

#### *Northwest Territories*

340. In 2012, there were 3 cases of prostitution reported by police in the Northwest Territories.

#### *Nunavut*

341. Nunavut is comprised of very small communities. Prostitution, if it does exist, has not come to the attention of prosecutors.

### **Containment Policies**

342. The Royal Canadian Mounted Police (RCMP) does not have any national, divisional or regional policy that promotes the containment of sex workers into specific areas.

343. The RCMP in British Columbia provides police services to a wide variety of communities. Policing priorities are generally determined with the engagement and involvement of local communities so that the RCMP's resources are focused on the communities' priorities. Not all communities have street level survival sex workers. In the communities where this does exist, police enforcement action varies depending on the established community priorities. Some detachments engage in projects specifically aimed at enforcing section 213 of the *Criminal Code of Canada*. These operations often serve various goals: to increase police presence in areas where sex workers have been known to be assaulted by clients, to proactively identify a suspect in an active investigation, to deter solicitation in specific areas (residential, school zones, parks) or to build a rapport with street-engaged women.

344. These enforcement initiatives are not adopted by all RCMP Detachments and vary in nature. In certain projects, only the male customers are targeted by the operation, in others, the sex workers are targeted and in some, customers and sex workers are the target of the enforcement. When projects target sex workers, policy recommends that a victim services worker be on site to provide

support to the women. In some Detachments, the arrest of the sex worker is paired with an option to divert the criminal charge if the woman agrees to participate in a personalized treatment plan.

345. There are some RCMP detachments that rely on prevention to address street level prostitution. For example, Nanaimo RCMP promotes the use of a multi-disciplinary long term approach by working in partnership with a community cohort. This approach is aimed at preventing violence against sex workers by increasing the reporting of violent offenses and improving the trust of sex workers towards police. Through training sessions, British Columbia's Provincial Prostitution Unit encourages police officers to consult with stakeholders in their communities to develop proactive strategies aimed at preventing further harm to women.

### *British Columbia*

346. British Columbia notes that there is no containment policy in place in Vancouver or any other jurisdiction in British Columbia.
347. In the 1990s, there was a de facto Vancouver Police Department (VPD) policy of trying to limit prostitution to some areas and keep it out of other areas. This issue was canvassed in the Missing Women Commission of Inquiry (MWCI) and prostitution expert John Lowman testified that the Vancouver Police Department was actually doing its best to try to come up with a solution that dealt with community concerns over prostitution (such as, children picking up used condoms and syringes in their school yard) that wouldn't rely on enforcement against survival sex trade workers. John Lowman testified that the unintended consequence was that sex trade workers worked in allegedly unsafe locations, but was clear that that wasn't the VPD's intention, and it was a matter of government policy/law that was the problem, not the VPD's efforts. VPD's position was that it's getting in the car and going somewhere that is dangerous, not the location where a sex trade worker is picked up since that's not where the violence occurs.
348. Complaints about prostitution in communities are currently dealt with on a case-by-case basis guided by our sex work enforcement guidelines.<sup>58</sup>
349. In the MCWI Report, Commissioner Oppal described as follows the current VPD prostitution enforcement policy: "I support the approach taken by the VPD, both because of the community engagement process undertaken in developing the guidelines and because the substance is responsive to the identified needs of this group of vulnerable women. The guidelines prioritize 'high-risk safety concerns', making them the driving force of any level of enforcement by the Vancouver police. The guidelines approach is a model of community policing at its best."<sup>59</sup>
350. VPD has a zero charges policy against sex trade workers for "communicating" (street prostitution). For several years, no charges have been pursued against sex trade workers for "communicating". The only street prostitution-related charges are against Johns (customers), because the "communicating for the purpose of prostitution" offence is the same for a John or a sex trade worker.

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<sup>58</sup> For more information, see: <http://vancouver.ca/police/assets/pdf/reports-policies/sex-enforcement-guidelines.pdf>.

<sup>59</sup> MCWI Report, *supra*.



### *Saskatchewan*

351. Saskatchewan is not aware of any such containment policies in the province.

### *Quebec*

352. Quebec is not aware of any such containment policies in the province.

### *New Brunswick*

353. New Brunswick is not aware of any such containment policies in the province.

## **Measures to aid Aboriginal women in leaving prostitution**

354. The Government recognizes that persons who are socially or economically disadvantaged may be particularly vulnerable to human trafficking. To this end, the Government has taken a number of steps to protect those who are most at risk of victimization through research, education and national awareness campaigns.

355. As part of the National Action Plan to Combat Human Trafficking, launched on June 6, 2012, the Government of Canada committed to increasing awareness of human trafficking among Aboriginal populations. To respond to this commitment, Public Safety Canada and AANDC have entered into a partnership with the National Association of Friendship Centres to develop a national awareness campaign to prevent the domestic sex trafficking of Aboriginal peoples living on- and off-reserve and in rural, urban and northern communities. The campaign seeks to reduce the vulnerability of Aboriginal peoples across Canada, particularly women and girls, with respect to human trafficking for the purpose of sexual exploitation by increasing awareness of the realities of this crime and the resources available to seek help and/or report suspected cases of domestic sex trafficking.

356. Although provinces are generally responsible for providing services to victims, the Department of Justice Canada has also funded several programs to assist Aboriginal women involved in prostitution. Such programs include *Giving Hope: Empowering Women and Communities*,<sup>60</sup> *Project SNUG: Integrated Community Response to Prostitution*<sup>61</sup> and *Sex Trade Out Reach Mobile (S.T.O.R.M.)*.<sup>62</sup>

357. Further, the Government has made significant investments over recent years to address many of the underlying factors that contribute to the additional vulnerability to violence of Aboriginal women and girls, including in economic development, education, family violence programming, policing, and other relevant areas.<sup>63</sup>

### *British Columbia*

358. The WISH Mobile Access Project (MAP) van receives annual funding allocations from the British Columbia Ministry of Justice. The MAP van provides services to women working on the street from 10:30 p.m. to 6:00 a.m., 7 nights a week, in order to increase their level of health and safety.

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<sup>60</sup> For more information, please see: <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/comp-recu/p13.htm>.

<sup>61</sup> For more information, please see: <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/comp-recu/p14.html>.

<sup>62</sup> For more information, please see: <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/comp-recu/p15.html>.

<sup>63</sup> For more information, please see: [http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc\\_32565.html](http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc_32565.html).

Van staff provide brief respite from the street and information on services specific to the needs of women survival sex workers as well as connections to shelters and emergency services.

359. British Columbia is also providing annual funding of \$750,000 (via British Columbia Housing) to the WISH Drop-In Centre Society to improve services to vulnerable women who work in the sex trade in Vancouver. The Drop-In Centre is open 24 hours a day, 7 days a week, offering vulnerable women services addressing their health, safety and well-being.

#### *Saskatchewan*

360. In addition to community-based outreach and support services for sexually exploited youth, and supportive peer-based social housing for at-risk youth in Regina and Saskatoon that are operated by Saskatoon Downtown Youth Centre Inc. (EGADZ) and the Street Culture Project respectively, two examples of programs specifically dedicated to helping Aboriginal women to exit prostitution are:
- *EGADZ for the Operation Help Program*: Operation Help assists youth (particularly young women) with leaving the sex trade. It uses an inter-agency approach to address legal, health, security, spiritual and housing needs, involving the Saskatoon Police Service, addiction services, and mental health services; and
  - *Streetworkers Advocacy Project (SWAP)* outreach program, based in Regina, and a drop-in centre for those working in street prostitution and for youth who are at risk for street involvement in Regina and surrounding First Nations Communities. SWAP also advocates for and assists in the development of appropriate services for the target population and provides educational presentations to youth, parents, other human service providers and the general public.

#### *Manitoba*

361. Tracia's Trust is a provincial strategy that works in partnership with numerous community and law enforcement agencies and has implemented numerous initiatives in the areas of prevention, intervention, legislation, coordination, research and evaluation to support vulnerable girls and women in Manitoba. The Strategy encompasses the coordination of services for all ages, including children, youth and adults, as well as all forms of sexual exploitation, including prostitution, pornography, sex trafficking, sex tourism and internet luring. More than \$8 million is invested annually in the Strategy. Examples of initiatives include: learning materials on personal safety for children, youth or adults based on the Aboriginal traditional teachings, focused on prevention, organized by a community organization; and "Honouring the Spirit of our Little Sisters", a safe transition home coordinated by an Aboriginal-based community organization.<sup>64</sup>

#### *Ontario*

362. Local police services have specific programs to address community safety needs.

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<sup>64</sup> For more information, please see: [www.gov.mb.ca/fs/traciustrust/index.html](http://www.gov.mb.ca/fs/traciustrust/index.html).

### Quebec

363. The government of Quebec currently holds consultation meetings with all regions of Quebec for the development of a new action plan to combat sexual exploitation and human trafficking. At each meeting, an invitation is extended to Aboriginal peoples and individual meetings are also proposed and organized at their request. This action plan is expected in fall 2014 and is expected to include various measures drawn from the numerous consultations held.
364. Quebec does not currently offer measures specifically aimed at assisting Aboriginal women to leave prostitution. However, for women detainees, programs and services offered to all women offenders or prisoners (for instance, workshops on self-esteem, social skills or employability) are available to them and can contribute to that objective.

### QUESTION 6: PRISON

*The experts were informed about the Aboriginal women [sic] disproportionate representation in prison. What factors account for this and how are they being addressed?*

365. The over-representation of Aboriginal people is being addressed through sections 79 to 84 of the *Corrections and Conditional Release Act* (CCRA), which provides the legislative framework for the management of Aboriginal offenders, including Aboriginal women offenders in the Correctional Service of Canada (CSC). The needs of Aboriginal women offenders are unique and their management in the CSC is holistic, women-centered, and grounded in the principles identified in the *Creating Choices* report (1990) and the 1997 National Strategy on Aboriginal Corrections.
366. Since the promulgation of the CCRA in 1992, the CSC has taken and continues to explore innovative and spiritually or culturally-appropriate programs, services and initiatives to address the needs of Aboriginal offenders and prepare them for their return to society as law abiding citizens. For example, in 1997, the CSC approved a National Strategy on Aboriginal Corrections with a focus on strengthening Aboriginal correctional programming, enhancing the role of Aboriginal communities in corrections and improving partnerships and relationships with Aboriginal leaders and agencies. By 2001, the CSC had established 8 healing lodges (4 of which are managed in close partnerships with Aboriginal communities) to facilitate an integrated path of healing from the institution into the community. 2 of these healing lodges (Okimaw Ohci and Buffalo Sage) are dedicated to Aboriginal women offenders. For over 20 years, the CSC has engaged the spiritual services of Aboriginal Elders to provide spiritual guidance to Aboriginal offenders and assist Aboriginal offenders to re-establish relationships with their community.
367. With the financial support of the Treasury Board of Canada in the early- to mid-2000s, the CSC initiated and/or strengthened the Pathways Initiative, Aboriginal Liaison Officers, and Aboriginal Community Development Officers programs and enhanced the CSC policy framework, particularly the Commissioner's Directive 702 to better provide guidance on the implementation of Aboriginal initiatives for Aboriginal offenders. Further, the CSC continues to implement the Aboriginal Women Offender Correctional Programs which were developed internally to foster a balance between correctional and healing interventions. The CSC continues to strengthen the use of section 84 of the CCRA in developing and planning the release of Aboriginal offenders in collaboration with Aboriginal communities.

368. In 2006, the CSC implemented the Strategic Plan for Aboriginal Corrections (SPAC), articulating an integrated vision and key objectives to build on more than two decades of learning and innovation in Aboriginal corrections. With the Aboriginal Continuum of Care at its core, the SPAC outlines strategies for implementing critical services and initiatives for Aboriginal offenders, enhancing collaboration with the Aboriginal community and partners and addressing any systemic barriers to the effective management of Aboriginal offenders from admission to their warrant expiry. The SPAC continues to be the CSC's integrated framework for managing Aboriginal offenders, including Aboriginal women offenders.
369. CSC is currently provides appropriate training and policy guidance on the consideration of Aboriginal Social History in all decisions pertaining to Aboriginal offenders in the CSC. Over the last 2 years, the Correctional Service of Canada has also developed training for Parole Officers, both at the induction level and in their continuous development, on their awareness of the unique circumstances of Aboriginal offenders. In large part, the objective of this on-going training is the consideration of culturally-appropriate/restorative alternatives in decision-making processes regarding Aboriginal offenders.
370. Further, the Aboriginal Justice Strategy (AJS), operating since 1991, is a federally-led, cost-shared (with provinces and territories) program that supports innovative community-based justice programs that help to address the over-representation of Aboriginal people in the criminal justice system. AJS programs provide cost-effective alternatives to mainstream justice processing by ensuring accountability for low-level, non-violent offences according to the same principles used in non-Aboriginal cases. There are approximately 275 AJS programs that reach over 800 Aboriginal communities in each province and territory, including on- and off-reserve, rural, urban and Northern communities. Approximately 10,050 Aboriginal people are referred to AJS programs every year. AJS programs have been proven to play an important role in reducing crime and keeping streets and communities safe by reducing recidivism, which frees up police, court and correctional resources to address more serious crime. Since 1991, the Government of Canada has provided over \$150 million in grants and contributions towards the AJS.
371. The Government of Canada also contributes funding towards the Aboriginal Courtwork Program that assists Aboriginal people involved in the justice system to obtain fair, just, equitable and culturally-sensitive treatment. In partnership with participating provinces and territories (Prince Edward Island, New Brunswick and Newfoundland and Labrador currently do not operate programs), Aboriginal Courtworkers provide direct services throughout the court process to Aboriginal women and men (adults and youth) in contact with the criminal justice system. Approximately 180 Courtworkers provide services to over 450 communities across Canada. Courtworkers also help their clients to access legal and community resources, including legal aid. Over 60,000 Aboriginal people receive services from an Aboriginal Courtworker each year and approximately 33% of those served are Aboriginal women.

#### *Saskatchewan*

372. Saskatchewan provides opportunities for women in custody to participate in rehabilitative programs that address several of the issues that contribute to reoffending, such as low literacy levels and education, lack of employment skills, family issues, addictions and antisocial thoughts and attitudes, as well as general life skills and parenting.
373. Since the majority of female offenders are of Aboriginal ancestry, Saskatchewan offers culturally-relevant programs to female offenders in custody, such as First Nation and Métis cultural and

tradition programs and Elder services and ceremonies. Teaching offenders their traditions and ceremonies is a positive step toward changing their lifestyles and helps in developing the motivation to initiate and maintain these changes. Creating a supportive atmosphere for these programs allows participants to take pride in who they are and enables them to start their healing journey.

374. Following incarceration, community partners become crucial in the reintegration of these women into their home communities. Assistance with community reintegration is supported and utilized as much as possible, but it is sometimes challenging to find the positive supports needed for a smooth transition back into the community due to remote locations and lack of community-based programs. Programs such as Iskwew Women Helping Women, offered through the Community Clinic in Prince Albert, and Elizabeth Fry, a provincially-funded agency, are often helpful in the reintegration process. These programs further a reduction in recidivism and support crime prevention through a social development approach.

#### *Manitoba*

375. In 2000, Manitoba Aboriginal and Northern Affairs released a report analyzing the empirical findings of the Aboriginal Justice Inquiry from 1991. According to the report, half of all inmates in Manitoba's provincial and correctional institutions in 1990 were Aboriginal. Aboriginal inmates were found to have spent far less time with their lawyers before and during their trials, especially when trials were conducted in remote communities by the fly-in circuit courts. In many cases, persons with an Aboriginal first language were unable to communicate effectively with police and lawyers, or to follow court proceedings. Having interpreters present only partly alleviates this difficulty, because many Canadian legal words and concepts do not translate well into Aboriginal languages.
376. The Inquiry identified a number of informal factors that may militate against Aboriginal people in court. For example, each court case typically involves a number of court appearances at which the case is remanded to a future date. When these appearances do not occur in the accused's community, this may involve costly travel from remote communities for the accused and any witnesses who need to attend. Costs are not reimbursed, and failure to appear can add to the legal troubles of the accused. Legal Aid will cover legal expenses only where the charge potentially leads to imprisonment or loss of employment. Therefore, many Aboriginal people appear to have developed a record of relatively minor offences prior to their first incarceration. These prior offences are considered at sentencing hearings. Further, in those serious cases heard before the Court of Queen's Bench, Aboriginal citizens are less likely to be called to form part of a jury panel and, if called, are far more likely to be eliminated by stand-asides and challenges advanced by lawyers. Jury trials are heard in only 6 Manitoba communities, none of which is Aboriginal. Aboriginal accused will likely face non-Aboriginal juries, as well as a non-Aboriginal judge and lawyers. In bail and sentencing hearings, judges may take employment and income status into account. With less access to employment, Aboriginal people are more likely to be considered a flight risk, and less likely to have a steady employment history or the effect of a loss of employment upon dependants factored into the judge's decision.<sup>65</sup>
377. During the 1990s, there was increasing interest by both federal and provincial officials in reducing incarceration rates, especially for Aboriginal people, by developing and encouraging alternative

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<sup>65</sup> For more information, please see: <http://www.gov.mb.ca/ana/apm2000/5/a.html>.

sentencing. In September 1996, an amendment to the *Criminal Code of Canada* which created a new sentencing disposition, the conditional sentence of imprisonment, available to courts in the case of low risk offenders sentenced to less than two years came into force. Once a sentence to imprisonment has been made, the court may order that the offender serve this sentence in the community under supervision, provided that certain conditions are met.

378. Other alternatives to incarceration for low risk offenders include: 1) restitution to victims; 2) community service orders; and 3) mediation services. Alternatives to incarceration based upon traditional First Nations and Métis justice practices fall under the general rubric of Restorative Justice. These include: victim and offender mediation; circle sentencing; family group conferencing; and community sentencing panels.
379. Manitoba provides funding for a number of Restorative Justice initiatives, including the Manitoba Keewatinowi Okimakanak (MKO) First Nations Justice Strategy, the St. Theresa Point Aboriginal Youth Court, the *Hollow Water Community Holistic Circle Healing Project*, the Aboriginal Ganootamaage Justice Services of Winnipeg, and mediation services in Winnipeg, Brandon and Thompson. A number of these initiatives are cost-shared with the federal government.

#### *Ontario*

380. Ontario provides programs, facilities and services in both the institutional and community setting, including for Aboriginal female offenders. These programs are designed to be culturally-appropriate and to assist in offender rehabilitation.
381. In 2012-2013, under the Safer and Vital Communities grant, the Ministry of Community Safety and Correctional Services provided funding to Elizabeth Fry Toronto for their *Aboriginal Women's Court Intervention Pilot* project. The project was intended to address the disproportionate number of Aboriginal women in the justice system in Toronto. Elizabeth Fry is a social service agency with a specific mandate to provide programs and services for and about women in conflict with the law.

#### *Quebec*

382. In 2012, Aboriginal women made up 1.2% of Quebec's female population. However, they represented 9.3% of women incarcerated at adult detention centres in Quebec in 2012-2013.
383. Reducing the risk of recidivism by providing community reintegration programs in detention is the primary focus for addressing the proportion of Aboriginal incarcerated women.
384. Aboriginal women may participate in the full array of programs and services offered to all incarcerated women, such as francization, adult education and release preparation workshops or activities, self-help groups and work activities. Some programs are also offered specifically for Aboriginal women, such as activities with elders from their community.

#### *Prince Edward Island*

385. Criminal legal aid assistance is a high priority in any case where there is a risk of imprisonment. However, there are increasing numbers of criminal offences that now have minimum sentences. In cases where the court still has discretion in sentencing, imprisonment is imposed only as a last resort. Under the *Criminal Code of Canada*, all available measures other than imprisonment must

be carefully considered and particular attention must be given to the circumstances of Aboriginal offenders.

#### *Yukon*

386. In the Yukon, the Whitehorse Correctional Centre delivers programming designed to prevent recidivism. Programming for all inmates is based on a risk-needs assessment that identifies their underlying problems. Programming is then tailored towards the specific needs of the individual. One-to-one counselling and/or assessments with a psychologist are available. Elder counselling, substance abuse programming, emotions management programming, cognitive skills, relationship skills for women, educational upgrading, work programs, life skills (e.g., finance, parenting, health and nutrition, exercise), and an array of First Nations cultural programs are available for women under corrections supervision. Not all programs are available at all times.
387. The case of *R v. Charlie*<sup>66</sup> is an example of a sentencing court considering both the unique systemic or background factors which may have played a part in bringing the particular Aboriginal offender before the courts and the types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular Aboriginal heritage or connection, as well as the specific issues that are facing Aboriginal people in the Yukon specifically. Paragraph 34 of the decision states that when faced with an Aboriginal accused, the sentencing judge should attempt to remedy the overrepresentation of Aboriginal people in the prison population. Some statistics are discussed in paragraph 32 of the decision, which show that in the Yukon, 75% of the inmates are Aboriginal, which is a very high number, considering the Aboriginal population accounts for less than 25% of the Yukon population.
388. When sentencing an Aboriginal offender, *Charlie* states that if the gravity of the offence requires that there must be a prison sentence, the courts can reduce this sentence in order to utilize more restorative objectives of sentencing. Therefore, in considering a prison sentence, the sentencing judge should assess the individual as well as the systemic circumstances that have brought the accused before the court. These circumstances include the systemic impacts of residential schools on the Aboriginal population as well as any personal abuse, trauma or disabilities that the accused may suffer from.

#### *Northwest Territories*

389. In the Northwest Territories, Aboriginal people make up approximately 50% of the population generally and 90% of offenders sentenced to custody. Factors such as poverty, Fetal Alcohol Spectrum Disorder, the impact of residential schools, addictions to drugs and alcohol have a disproportionate impact on the Aboriginal population in the Territories.
390. Aboriginal women face greater risk factors that lead to their contact with the justice system and ultimately lead to their incarceration. Risk factors can include: lower education rates; lower income/employment; substance abuse; mental and emotional health issues; residential school trauma; and loss of cultural/social cohesion in Aboriginal communities.
391. In order to address this, the Northwest Territories offer programming, services and activities in correctional facilities to address criminogenic needs and to better prepare inmates for reintegration into their communities, such as :

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<sup>66</sup> *R v. Charlie*, 2012 YKTC 5.

- anger management programs;
- *Alcoholics Anonymous*;
- the *Family Violence Program*;
- the *Sex Offender Program*;
- the *Substance Abuse Program*;
- the *Reintegration Program*;
- the *Take Charge Program / Journey Program*;
- *Health, Education, Life Practices*;
- psychological services;
- traditional counselling services;
- education services; and
- cultural services (wilderness programs, sharing circles, pipe ceremonies, Elder visits, and harvesting of traditional medicines).

392. There are also programs and services available to individuals serving community sentences, such as the *Matrix Program*, the *Living in Balance Program* and *Alcoholics Anonymous*.

#### *Nunavut*

393. In Nunavut, Inuit make up approximately 85% of the population. Statistics are not available regarding the percentage of inmates in the two correctional facilities that are Inuit.

## **QUESTION 7: TRAFFICKING**

*The experts were informed that the majority of people trafficked in Canada are Aboriginal women. Please provide information on the impact of the National Action Plan to Combat Trafficking on the number of Aboriginal women trafficked.*

*The experts were informed of alleged disappearances of women on ships, due to trafficking notably for sexual exploitation. Please provide information on this issue, including any reports made and/or investigations undertaken, and indicate whether a study has been undertaken to determine whether there is a link between the high number of Aboriginal women drowned and the alleged trafficking of Aboriginal women on boats.*

### **National Action Plan to Combat Human Trafficking**

394. The National Action Plan to Combat Human Trafficking, which was launched in June 2012, consolidated all federal anti-human trafficking efforts into one comprehensive plan following the '4-Ps' approach – prevention, protection, prosecution and partnerships. This plan recognizes that individuals who are socially or economically disadvantaged, such as some Aboriginal women and girls, may be particularly vulnerable to human trafficking for the purposes of sexual exploitation. It includes a number of initiatives to specifically prevent and protect Aboriginal women and girls from victimization, such as targeted awareness and education as well as research to enhance the Government's understanding of the issue.

395. The Government of Canada is in the process of developing a performance measurement strategy for the National Action Plan and has committed to an evaluation of the Plan in 2016-2017 to



determine its effectiveness in addressing human trafficking in Canada. This will include an evaluation of projects and/or initiatives to address the human trafficking of Aboriginal women and girls.

396. The Government of Canada supported 2 Private Member's Bills which strengthened the criminal justice system's approach to trafficking in persons: Bill C-268, *An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)*, enacted in June 2010; and Bill C-310, *An Act to amend the Criminal Code (trafficking in persons)*, enacted in June 2012.
397. Bill C-268 imposed mandatory minimum penalties for child trafficking. This means that convicted child traffickers will always receive jail time. Bill C-310 amended the *Criminal Code of Canada* to extend extra-territorial jurisdiction in respect of all *Criminal Code* trafficking offences. It also included an interpretive provision setting out factors that a court may take into consideration when determining whether a person has exploited another for the purposes of the trafficking offences in the *Criminal Code*. These factors include the use of force, deception, and abuse of a position of trust, power or authority.

#### *Alberta*

398. The Ministry of Justice and Solicitor General Victim Services Unit funds ACT (Action Coalition on Human Trafficking), which coordinates services for victims, fosters local collaborative responses, delivers training and education and undertakes research on human trafficking in Alberta. The Ministry also funds CEASE (Centre to End all Sexual Exploitation) and Project STAR (support-transition-action-recovery) in order to ensure that there is victim advocate support available to victims who may have been trafficked. It also presents webinars on human trafficking in collaboration with multiple stakeholders.

#### *Saskatchewan*

399. Increasingly, the language of 'human trafficking' is applied to analyses of domestic sexual exploitation. As such, human trafficking can refer to virtually any activity related to the recruitment, transportation or harbouring of persons for the purpose of sexual exploitation. In many instances, the lines are blurred between the recruitment and grooming of young people into the sex trade, and the geographic movement of sex trade workers and vulnerable people from one location or community to another.
400. Human trafficking of Aboriginal people certainly occurs in Saskatchewan, although in the narrower sense of the actual geographic movement of persons, it is relatively rare. To the extent that trafficking does indeed take place, for the most part it occurs on a small scale through family networks (aunties, sisters and cousins) and boyfriend-pimps, rather than through sophisticated organized crime groups, although there is no doubt a street gang overlay in some instances.
401. At present, the street-level sex trade in Saskatchewan remains largely a local phenomenon. Neither Regina nor Saskatoon, for example, currently appear to be part of larger sex trade networks or circuits.

### **Disappearances of women on ships**

402. The Royal Canadian Mounted Police (RCMP) is not aware of any formal complaints or investigations related to the alleged disappearances of women on ships, due to trafficking for sexual exploitation. However, in recent years, there has been heightened sensitivity to the vulnerability of Aboriginal women and girls to domestic trafficking for the purpose of sexual exploitation. Of the total number of human trafficking cases that have been identified and investigated by Canadian law enforcement, only a small number of the victims involved are Aboriginal females. As many victims of human trafficking do not necessarily come forward to police to report their situation or to seek help, there may be a number of Aboriginal victims of human trafficking who have not been identified.
403. The RCMP works closely with its domestic and international partners to gather and share information and develop intelligence-led policing initiatives for the detection and investigation of human trafficking, including the trafficking of Aboriginal women and girls.
404. The RCMP has sought to raise awareness of human trafficking within Aboriginal populations, and to this end, conducted a mass distribution of the 'I'm Not for Sale' human trafficking awareness campaign to Aboriginal communities and groups across Canada and it continues to distribute materials. The RCMP also works with its Aboriginal Liaison Officers and the RCMP National Aboriginal Policing Services to increase awareness amongst Aboriginal populations.
405. The National Action Plan to Combat Human Trafficking (launched in June 2012) includes measures to prevent and protect Aboriginal women and girls from falling victim to this crime, as well as research efforts to enhance federal understanding of this issue. To this end, the Government recently issued a call for proposals to examine trends and issues related to the trafficking of Aboriginal women and girls in Canada. In this regard, Public Safety Canada has recently engaged Red Willow Consulting to conduct research on the human trafficking of Aboriginal women and girls.
406. Due to the lack of formal complaints no studies have been undertaken to explore possible links between the alleged trafficking of Aboriginal women on boats and the high number of women drowned.

### **QUESTION 8: AWARENESS-RAISING ACTIVITIES**

*Please provide information on actions taken to raise awareness of the population at large on the elimination of discrimination and racism against Aboriginal people, as well as stereotypes concerning Aboriginal women.*

*Please provide information on actions to raise awareness of professionals working in the media to address existing stereotypes and racism in relation to Aboriginal people as well as sexism towards Aboriginal women.*

## Public Awareness Activities

407. Most of the prevention and protection programs discussed in the present response include an awareness-raising dimension. In addition, Canada has some programming specific to awareness-raising, as outlined below.
408. Increased knowledge of the history of Aboriginal peoples, including of the Indian residential schools experience, can help to break down stereotypes concerning Aboriginal men and women. Recognizing this, Canada has supported several measures focused on public education and awareness. For example, Canada has funded efforts to incorporate education about Indian residential schools into the school curriculum. Most recently, the Government of Canada installed a stained glass window in Parliament as a permanent commemoration of the Prime Minister's 2008 Apology to former students and the legacy of Indian residential schools.
409. In addition, public education was included in the mandate of the Truth and Reconciliation Commission when the Indian Residential Schools Settlement Agreement was negotiated by Canada, legal counsel for former students and the churches that ran the schools, the Assembly of First Nations and Inuit organizations.
410. Federal funding is available to Aboriginal groups for awareness materials and activities that contribute to breaking intergenerational cycles of violence and abuse in Aboriginal communities. For example, funding was provided to the Canadian Red Cross to revise *Walking the Prevention Circle*, to adapt it as an online course and translate it into French. Directed specifically at Aboriginal communities, *Walking the Prevention Circle* is one of the best-known and most widely regarded abuse prevention programs in Canada.
411. In addition, under Canada's Justice Partnership and Innovation Program - Access to Justice for Aboriginal Women Component, many projects focusing on missing and murdered Aboriginal women and girls have been funded to date, including:
- *Sun and Moon Visionaries Aboriginal Artisan Society Warrior Shield Project*: a therapeutic cultural art program for Aboriginal women and girls who are survivors of extreme violence or are at risk of violence, as well as for family members who have an immediate relative missing or found murdered;
  - *Treaty 8 Missing and Murdered Women Awareness Campaign*: this includes developing communication tools and providing information sessions in all 24 communities and 16 high schools of the Treaty 8 First Nations of Alberta; and
  - *Thunderchild First Nation Missing and Murdered Aboriginal Women Awareness Project*: this includes workshops and information sessions in Aboriginal communities in Saskatchewan on the factors that can lead to victimization, with a particular focus on the migration of women to urban centres and the challenges they are likely to face.

### British Columbia

412. British Columbia actively supports raising awareness of the general British Columbia Public Services (<30,000 employees) through the Building Public Service Capacity in Aboriginal Relations initiative. To date, there is a dedicated Aboriginal Relations Resource Centre website which includes resources such as Aboriginal Engagement Guidelines, Aboriginal Policy Lens,

blogs, links to resources materials, and a Speakers Bureau. British Columbia also now has a set of Aboriginal Relations Behavioural Competencies co-developed with Aboriginal and public service partners that are available to be applied to job descriptions and during Employee Performance discussions. Further, British Columbia now has an introductory on-line learning course, *Aboriginal Relations – We are all here to stay*, which is free and available to all British Columbia public service employees. More modules are under development. British Columbia is working to make this training available outside of the British Columbia Public Service as well.

413. British Columbia has supported an Aboriginal Youth Internship Program since 2007 which places Aboriginal youth in 1-year internships with ministries (for 9 months) and Aboriginal organizations (for 3 months), fully paid by the province.
414. British Columbia has worked closely with and supported both the Truth and Reconciliation Commission Canada (TRC) and Reconciliation Canada during the 2012 Vancouver Island Regional Event and the Week of Reconciliation/BC National Event in September 2013. This latter event was the largest TRC national event to date and included extensive public participation, School District participation and media coverage.
415. British Columbia's Ministry of Education is revamping its K-12 curriculum, with guidance from First Nations, Métis and Aboriginal organizational partners, to include requirements to address awareness of Canada's settler/Aboriginal history with all students (vs. electives). British Columbia's Advanced Education Ministry has worked collaboratively with the Aboriginal Education and Training Partners Table to co-develop an Aboriginal Post-Secondary Education and Training Policy and Action Framework that "indigenizes" post-secondary institutions.

#### *Alberta*

416. The Ministry of Justice and Solicitor General's Victim Services facilitate a yearly training event for stakeholders, including those in the criminal justice system (police, court clerks, judges, etc.). Training initiatives on missing and murdered Aboriginal women and violence against Aboriginal women are also provided upon request.

#### *Saskatchewan*

417. The Saskatchewan Human Rights Commission offers a *Preventing Discrimination* seminar series that focuses on workplace rights, responsibilities and respect, and human rights and the changing Saskatchewan workplace.

#### *Manitoba*

418. Education curricula include components educating students on discrimination and racism against Aboriginal people. A resource guide and DVD are included to help social studies teachers address the topic of residential schools in a deeper and more meaningful context, entitled *From Apology to Reconciliation: A Resource Guide for Teachers of Grades 9 and 11 Social Studies in Manitoba*.<sup>67</sup>

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<sup>67</sup> It has been available for system-wide implementation as of December 2012. Manitoba Education supports teachers by offering regional implementation sessions. A 2-day workshop was designed to develop capacity in Grade 9 and Grade 11 Social Studies teachers responsible for teaching the topic of residential schools. For more information, please see: <http://www.edu.gov.mb.ca/k12/cur/socstud/far/index.html>.

419. Additionally, working in partnership with the Treaty Relations Commission of Manitoba, the Assembly of Manitoba Chiefs and their Council of Elders, the Manitoba First Nations Education Resource Centre, AANDC, and Manitoba Education, the *Treaties and Treaty Education Initiative* (TEI) continues to support the development and implementation of K-12 teacher resource packages and related teaching materials to increase the knowledge and understanding of the Treaties and the Treaty Relationship. The partnership has: resulted in developed, piloted and implemented Treaty education resource materials at the Grade 5 and 6 levels; implemented the quarterly TEI Newsletter as a communication tool to support the broader TEI network among schools, divisions and partners; and supported the review of the Grades 7-12 Treaty Education Teacher Guides.<sup>68</sup>
420. A project was developed by Manitoba and the Assembly of First Nations through the Aboriginal Affairs Working Group which would see a prototype education toolkit piloted in selected Manitoba schools. It has 5 phases beginning with an in-depth assessment of the toolkit. An evaluative report on the toolkit's effectiveness is in development, which will include recommendations for improving it.
421. Over the years, Manitoba has taken important steps in renewing its relationship with the Métis. The Legislative Assembly of Assiniboia represents a transition from martial law to legitimate, representative democracy in a period of months with balance between French and English representation carefully maintained. Three quarters of the representatives were Métis. This legislature formally ratified the *Manitoba Act* on behalf of the Red River settlers in 1870; however, there was no explanation of its significance in the historical record until recently. The Manitoba government held a ceremony officially unveiling historic documents to recognize their contributions on November 15, 2012 and also published *A History of the Legislative Assembly of Assiniboia*. It is an important activity by the province towards renewing its relationship with the Métis in Manitoba and celebrating the Métis contribution in creating the province.<sup>69</sup> In addition to the release of materials related to the Legislative Assembly of Assiniboia, the Manitoba Métis Policy Framework was also announced.<sup>70</sup>
422. On May 5, 2011, the Province of Manitoba celebrated Inuit culture and contributions with a special event at the Manitoba Legislative Building as part of efforts to strengthen ties with Nunavut. The province provides support to the Manitoba Urban Inuit Association to help it promote Inuit culture and enhance peoples' quality of life through programs and services that help orient them to the southern culture and environment and stay connected to their heritage.<sup>71</sup>
423. On May 12, 2010, the Premier signed a proclamation declaring May 12 as Treaty Day to honour the Treaties of Manitoba and encourage and promote understanding of the significance of Treaties in the province.<sup>72</sup>

### Ontario

424. Human rights for Aboriginal peoples are a key strategic priority area for the Ontario Human Rights Commission (OHRC). The OHRC has a Steering Committee (Human Rights for Aboriginal

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<sup>68</sup> For more information, please see: <http://www.trcm.ca/treaty-education-initiative/index.php>.

<sup>69</sup> *A History of the Legislative Assembly of Assiniboia* can be found at: [http://www.gov.mb.ca/ana/pdf/mbmetispolicy/laa\\_en.pdf](http://www.gov.mb.ca/ana/pdf/mbmetispolicy/laa_en.pdf).

<sup>70</sup> For more information, please see: <http://news.gov.mb.ca/news/?archive=2010-11-01&item=10168> and <http://www.gov.mb.ca/ana/mbmetispolicy.html>.

<sup>71</sup> Please see news release: <http://news.gov.mb.ca/news/?archive=2011-05-01&item=11398>.

<sup>72</sup> For more information, please see: <http://news.gov.mb.ca/news/?archive=2010-05-01&item=8465>.

Peoples in Ontario) that meets on a regular basis to address discrimination and racism faced by Aboriginal peoples in Ontario.

425. Wherever possible, the OHRC strives to integrate Aboriginal human rights issues and considerations into all its work, whether in human rights policy development (e.g., regarding mental health,<sup>73</sup> housing, or creed and the accommodation of religious observances, and/or its work on racial profiling with police services. OHRC staff completed two Aboriginal human rights-focused training sessions in the last 2 years: a whole-day event with the Ministry of Aboriginal Affairs (2012) and a half-day event at the OHRC (2013).
426. The OHRC is currently in the midst of a major 3-year Human Rights Project Charter between the 3 project partners – the Ministry of Community Safety and Correctional Services (MCSCS), the Ministry of Government Services (MGS) and the OHRC. This work resulted from the settlement of a long-standing human rights complaint by an Aboriginal correctional officer against the MCSCS. Its purpose is to support the MCSCS' human rights organizational change initiatives, which have a significant Aboriginal human rights component, and to make sure the change process addresses Aboriginal and other public interest human rights concerns.

#### Public training, education and engagement

427. The OHRC regularly conducts training and outreach activities with the goal of educating the public about racism and discrimination. On November 4, 2013, the OHRC conducted a half-day training session with the Thunder Bay police service focusing on how to eliminate and address racism and discrimination in policing, with emphasis on Aboriginal peoples, through comprehensive human rights organizational change measures.
428. OHRC has also engaged in public education focusing on the theme of reconciliation and the importance of addressing systemic discrimination against Aboriginal Peoples. On November 12, 2013, the OHRC hosted an event with the Truth and Reconciliation Commission (TRC) entitled *From Remembrance to Reconciliation: A Shared Community Dialogue on Our Roles as Treaty Peoples*. Co-organized by the OHRC, Colour of Poverty/Colour of Change, the Ontario Council of Agencies Serving Immigrants (OCASI) and the Metro Toronto Chinese and Southeast Asian Legal Clinic, this event marked the 250<sup>th</sup> anniversary of the Royal Proclamation of 1763 and the 25<sup>th</sup> anniversary of the *Canadian Multiculturalism Act*. The purpose was to build solidarity and a common understanding among Aboriginal and racialized communities about their unique and shared histories and parallel struggles for justice in the effort to achieve truth, reconciliation and good relations going forward.
429. In August 2012, the OHRC also partnered with the TRC to present *Shared Perspectives, An Evening of Reconciliation*, as part of the Planet IndigenUS Festival at Harbourfront Centre, in Toronto. This evening featured TRC Chair Justice Murray Sinclair, performances by dancers and drummers from the Aboriginal and black communities, and an authors' dialogue between writer-storytellers Itah Sadu and Richard Wagamese, moderated by broadcast journalist Shelagh Rogers. This event widened the reconciliation conversation between Aboriginal communities and other racialized Canadian communities and advanced understanding of Aboriginal history and rights violations in Ontario, and the ongoing legacy of the residential school system.

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<sup>73</sup> For more information, please see: <http://www.ohrc.on.ca/en/9-mental-health-addictions-and-intersecting-code-grounds/96-aboriginal-peoples>.

430. In June 2012, Chief Commissioner Barbara Hall and Commissioners Maggie Wente and Larry McDermott hosted a session at "The Meeting Place", a 2-day intergenerational regional gathering. This event, hosted by a cooperative of Aboriginal and supporting organizations, was designed to promote respect, education and engagement on the Indian Residential School System.
431. In partnership with the city of Thunder Bay, the OHRC organized a 1-day training session in September 2013 which included a panel discussion of organizational responsibilities under the *Ontario Human Rights Code* to uphold human rights for Aboriginal peoples.

#### *Quebec*

432. With a view to developing a government action plan to combat racism and discrimination against Aboriginal people, the Quebec government held broad consultations in November 2013 that brought together key Aboriginal organizations, 24 Aboriginal communities and certain non-Aboriginal organizations. These consultations were aimed at developing a common understanding of the issues related to discrimination and racism against Aboriginal people and identifying solutions that will inform the development of the action plan. The action plan is expected to be launched in the spring of 2014. The issue of raising the general public's awareness was discussed extensively as was combating discrimination against Aboriginal women.
433. Moreover, in order to promote awareness of Aboriginal realities and cultures and to foster closer relations between Aboriginal and non-Aboriginal peoples, the government of Quebec tabled a bill in June 2013 proclaiming the month of June as Aboriginal History Month.
434. Quebec's Secrétariat aux affaires autochtones also provides awareness sessions on Aboriginal realities for Quebec public servants who work in Aboriginal communities. The people who attend these sessions are better able to understand the historic, social and political background of relationships with Aboriginal nations. With a different and more complete overview of the situation in Quebec, the attendees can provide better context for their interventions and establish more harmonious contacts.

#### *Newfoundland and Labrador*

435. In Newfoundland and Labrador, the *Violence Prevention Program* targets the populations who experience the highest rates of violence in Newfoundland and Labrador, including Aboriginal women and children. One of the *Violence Prevention Program's* strategic priority areas is "Supporting Aboriginal women and children."
436. A number of awareness raising activities have occurred, including the *Respect Women* social marketing campaign to prevent male violence against women. According to Newfoundland and Labrador's 2010 Provincial Survey of Attitudes Towards Violence and Abuse, 63.3% of adults 18 years of age and older in the province are aware of this campaign.
437. The *Prevention of Violence against Older Persons* social marketing campaign, consisting of pamphlets, posters and radio ads, included an Aboriginal-specific component. According to the 2010 survey, 55.3% of adults in the province are aware of this campaign.
438. Newfoundland and Labrador has hosted an annual provincial *Purple Ribbon Campaign* to prevent male violence against women since 2010, distributing purple ribbon lapel pins, car magnets and fact sheets to key partners and stakeholders, including Aboriginal governments and organizations,

community groups, corporations, unions and municipalities. To date, 320,000 lapel pins and 270,000 magnets have been distributed over the last 3 years of the campaign.

439. The *Violence Prevention Program* offers *Violence Awareness and Action Training*, a 1-day program that aims to increase sensitivity and awareness of service providers to the factors contributing to violence and its impact on society. The program includes components on sexism and racism. Approximately 900 individuals have been trained since 2006, and a number of training sessions have taken place within Aboriginal communities.
440. The *Violence Prevention Program* consolidated and published information on violence prevention, including crisis and other services for victims of violence in plain language and culturally-appropriate formats.

#### *Northwest Territories*

441. The Northwest Territories are supportive of culturally-appropriate curricula and teaching resources in their education system, which encourage all students to confront stereotypes, prejudice and to rebuild relationships based on mutual respect.
442. The Government of the Northwest Territories has worked in partnership with the Legacy of Hope Foundation to develop a curriculum and several teaching units as part of efforts to develop culturally-appropriate and engaging learning opportunities for students. Optional implementation of the new course began in 2012-2013 and became mandatory in 2013-2014 for high school students in Nunavut and the Northwest Territories. These units explore, among other things, the difficult truths about residential schools in Canada, colonization, land claims and treaties, and how to approach building a sustainable northern economy.

### **Media Awareness Activities**

#### *Ontario*

443. The OHRC has produced and disseminated a brochure on Aboriginal Peoples in Ontario and the Ontario Human Rights Code.<sup>74</sup> The OHRC also regularly uses media interviews, releases and advisories, and letters to the editor to respond to issues, correct inaccuracies and educate new audiences about human rights and racial discrimination and stereotyping of Aboriginal persons. Examples of letters to the editor from Chief Commissioner Barbara Hall are:
- *Peterborough Examiner* newspaper – “Shock and sadness over ‘No Natives’ sign” (March 17, 2011): in response to an article condemning the placement of a “No Natives” sign on a restaurant door in Lakefield, the OHRC stated in a letter to the *Peterborough Examiner* newspaper how this served as a tragic reminder that what happened in the past continues to happen today – Aboriginal people across Ontario continue to live with discrimination and hate. The OHRC also praised the quick response of police, Aboriginal leaders and the community of Lakefield and urged the people of Ontario to follow the lead of the Lakefield community and to make a new history of reconciliation and inclusion; and

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<sup>74</sup> The brochure is available at the following address: <http://www.ohrc.on.ca/en/aboriginal-peoples-ontario-and-ontario-human-rights-code-brochure>.



- *Thompson Citizen* newspaper – “Racist and anti-Aboriginal slurs” (February 1, 2013): in this letter to the editor, OHRC congratulated the *Thompson Citizen* newspaper for closing its Facebook page because of a shocking increase in online hatred directed at Aboriginal Peoples. The OHRC said their actions help send a strong message that providing a forum for hateful and racist speech is not the way forward and thanked the newspaper for saying no to racism.

444. To mark International Women's Day on March 8, 2013, the Canadian Association of Statutory Human Rights Agencies (CASHRA) released a motion addressed to the Government of Canada to deal with the problem of missing and murdered Aboriginal women. CASHRA called on the government to work with First Nations' organizations to develop and implement a national action plan. The OHRC endorsed this motion and posted it online.<sup>75</sup>
445. In 2102, the OHRC embarked on a multimedia initiative, the *Living Rights Project*, to celebrate the 50<sup>th</sup> anniversary of the *Ontario Human Rights Code*.
446. Through video, art and the written word, this “virtual living library” brings the Code to life as real people share their personal experiences, thoughts and feelings about the struggle for human dignity, equality and respect. Among the contributions is a historical look at Aboriginal rights issues in 1965 Kenora, Ontario (*Aboriginal issues in 1965 – you've got to come to Kenora*).

#### *Quebec*

447. In Quebec, the Aboriginal component of the 2012-2017 Government Action Plan on Domestic Violence provides for an update of the media information kit on domestic violence and the addition of a section on the distinctive characteristics of domestic violence in Aboriginal communities.
448. Moreover, during the consultations held in November 2013 in the context of the development of an action plan to combat racism and discrimination against Aboriginal peoples, Quebec noted that media awareness was important to the persons consulted.

#### *Prince Edward Island*

449. In 2012, the Public Service Commission, in collaboration with the Aboriginal Affairs Secretariat and the Mi'kmaq Confederacy of PEI, put on a series of four sessions called *An Introduction to the PEI Mi'kmaq* to raise awareness about the history, culture and current context of the Mi'kmaq.

#### *Yukon*

450. The Whitehorse Aboriginal Women's Circle received \$82,800 to develop an *Aboriginal Women's Role Model and Mentorship Training* program. This project developed support networks for professional Aboriginal women, particularly youth and encouraged an Elder/grandparent mentorship for youth. The project also focused on developing an Aboriginal women's role model calendar, which invited nominations from a variety of community members to recognize Aboriginal women in Yukon for their outstanding achievements and contributions to their families and communities. This project concluded in 2012.

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<sup>75</sup> The motion is available at the following address: <http://www.ohrc.on.ca/en/cashra-motion-missing-and-murdered-aboriginal-women-and-girls>.

451. The Liard Aboriginal Women's Society received \$68,940 from the Northern Strategy Trust funding for the *Youth Violence Prevention and Healthy Relationships Project*. This initiative included talking with youth about healthy relationships and families and the impacts of violence. Youth were encouraged to participate in creative alternative media projects (e.g., theatre, film, music) to transmit their own messages about healthy relationships and families, violence in communities and the effects of residential schools. Workshops focused on youth talking honestly about healthy relationships, life-skills, anger management, self-esteem and traditional roles. This project concluded in 2012.
452. The Whitehorse Aboriginal Women's Circle received \$59,800 for the development of a *Culturally-Relevant Gender-Balanced Analysis* course to assist community-based organizations, First Nations, and government in developing policy and programming that is culturally-competent and gender-informed. The organization delivered this course to community partners in the spring of 2013 and is currently continuing to develop aspects of the project to share with the community. This project will sunset in November, 2013.

## **QUESTION 9: REPRESENTATION OF ABORIGINAL PEOPLE IN PUBLIC INSTITUTIONS**

*Please indicate the proportion of Aboriginal men and women within police forces at provincial and federal levels, including at decision-making positions.*

*Please indicate the proportion of Aboriginal women and men in the public service, including in the AAND Ministries at federal and provincial levels and at decision-making positions.*

453. The statistics requested by the Committee are not available in all Canadian jurisdictions. In the following paragraphs, Canada provides the Committee with the available information regarding the representation of Aboriginal men and women in the police forces and the public service at the federal, provincial and territorial levels.

### **Representation within police forces**

454. The RCMP is one of over 200 law enforcement agencies that provide municipal and provincial policing services across Canada. Overall, as of October 1, 2013, there are 2007 Aboriginal employees working in the RCMP as regular members, civilian members and public servants. There are 1,170 regular member Aboriginal males and 319 regular member Aboriginal females, representing 6.3% and 1.7%, respectively, of the total number of regular members. There are 61 civilian member Aboriginal males and 73 civilian member Aboriginal females. There are 50 Aboriginal male public servants in the RCMP and 312 Aboriginal female public servants. However, data collected is based on voluntary self-identification. Employees belonging to an Aboriginal group who have chosen to not self-identify are not counted.

*Representation within the RCMP in British Columbia*

Workforce Report  
As of: 2013-10-01  
HRMIS: RCPER010  
RCMP Protected A  
Pacific Region - E Division

Regular members			Aboriginal Peoples		Persons with Disabilities		Visible Minorities	
Rank	Men	Women	Men	Women	Men	Women	Men	Women
Special Constable	81.30%	18.80%	6.30%	0.00%	6.30%	0.00%	31.30%	0.00%
Constable	74.50%	25.50%	3.80%	1.80%	1.10%	0.50%	10.80%	2.00%
Corporal	78.00%	22.00%	6.10%	1.60%	2.30%	0.60%	12.90%	2.30%
Sergeant	82.40%	17.60%	6.00%	0.80%	3.10%	0.80%	13.90%	1.50%
Staff Sergeant	89.40%	10.60%	3.80%	0.40%	4.50%	0.80%	8.70%	0.40%
Staff Sergeant Major	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Sergeant Major	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Corps Sergeant Major	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Inspector	89.20%	10.80%	10.80%	0.00%	0.00%	0.00%	4.30%	0.00%
Superintendent	88.20%	11.80%	2.90%	0.00%	0.00%	0.00%	2.90%	0.00%
Chief Superintendent	92.30%	7.70%	0.00%	0.00%	15.40%	0.00%	0.00%	0.00%
Assistant Commissioner	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Deputy Commissioner	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
TOTAL - Pacific Region E Division	76.80%	23.20%	4.50%	1.60%	1.60%	0.50%	11.20%	1.90%

*Representation within the RCMP in Nova Scotia*

455. Currently, there are 97 Aboriginal RCMP officers serving in Nova Scotia.

*British Columbia*

Representation within the Vancouver Police Department

<u>ETHNICITY</u>	VPD TOTAL	VPD MALE	VPD FEMALE	TOTAL POLICE OFFICERS	VPD %	VAN. CITY POPULATION % AS OF 2006	VAN. METROPOLITAN AREA - POPULATION % AS OF 2006	CANADA POPULATION % AS OF 2006
<b>Aboriginal</b>	22	13	9	1408	1.6%	1.9%	1.9%	3.8%

*Quebec*

456. The Sûreté du Québec has data available on the total number of Aboriginal persons in the organization's regular workforce and police workforce, but not on the proportion of men and women.

457. With respect to the regular public workforce, the representation rate of Aboriginal peoples was 0.8% as of March 31, 2013. The statistics by job categories are as follows:

**Taux de représentativité des membres des groupes cibles au sein de l'effectif civil régulier : résultats par catégorie d'emploi au 31 mars 2013**

	PERSONNEL D'ENCADREMENT		PERSONNEL PROFESSIONNEL		PERSONNEL TECHNIQUE ET DE BUREAU		OUVRIER		TOTAL	
	NBRE	%	NBRE	%	NBRE	%	NBRE	%	NBRE	%
COMMUNAUTÉ CULTURELLE	2	3,6	47	13,7	73	6,5	7	25,9	129	8,3
AUTOCHTONE	0	0,0	1	0,3	11	1,0	0	0,0	12	0,8
ANGLOPHONE	0	0,0	0	0,0	6	0,5	0	0,0	6	0,4
PERSONNE HANDICAPÉE	0	0,0	6	1,8	30	2,7	0	0,0	36	2,3

Source: 2012-2013 Annual Management Report

458. With respect to the police workforce, the representation rate of Aboriginal peoples was 0.7% as of March 31, 2013. The statistics by job categories are as follows:

**Taux de représentativité des membres des groupes cibles au sein de l'effectif policier : résultats par catégorie d'emploi au 31 mars 2013**

	OFFICIER <sup>77</sup>		SOUS-OFFICIER		AGENT		TOTAL	
	NBRE	%	NBRE	%	NBRE	%	NBRE	%
COMMUNAUTÉ CULTURELLE	2	0,5	22	1,2	41	1,2	65	1,1
AUTOCHTONE	2	0,5	17	0,9	21	0,6	40	0,7
ANGLOPHONE <sup>78</sup>	n. d.	n. d.	n. d.	n. d.	n. d.	n. d.	n. d.	n. d.
PERSONNE HANDICAPÉE <sup>79</sup>	n. d.	n. d.	n. d.	n. d.	n. d.	n. d.	n. d.	n. d.

Source: 2012-2013 Annual Management Report

*Nunavut*

459. Inuit make up 7.8% of the RCMP officers working in Nunavut.

**Representation within the public service**

460. The *Annual Report to Parliament on Employment Equity in the Public Service of Canada of 2011-2012* outlines results and progress in the representation of employment equity designated groups within the core public administration for fiscal year 2011-2012. It is important to note that all tabulations contained in the report, other than those for women, contain information obtained through self-identification data, that is, data provided voluntarily by employees.<sup>76</sup>

<sup>76</sup> For more information on the Annual Report to Parliament on Employment Equity in the Public Service of Canada 2011-2012, please see: <http://www.tbs-sct.gc.ca/reports-rapports/ee/2011-2012/ee-eng.pdf>. It bears noting that this report only covers the portions of the public service of Canada that comprise the core public administration, that is,

461. This report demonstrates that steady progress has been made with respect to the representation of Aboriginal peoples in Canada's core public administration. The core public administration fully represents women, Aboriginal peoples and other designated groups in terms of their workforce availability. As of March 31, 2012, out of 198,793 employees in Canada's core public administration, 9,785 (4.9%) are Aboriginal, as compared to 4.7% in 2010-2011.
462. Further, out of the 5,831 employees within the executive cadre, 216 (3.7%) are Aboriginal.
463. With respect to the representation of Aboriginal men and women in Aboriginal Affairs and Northern Development Canada (AANDC), as of November 7, 2013, the proportion of Aboriginal women within AANDC is 21.34% and the proportion of Aboriginal men is 8.13%, for a total of 29.47% of Aboriginal employees.
464. The representation of Aboriginal women in decision-making positions at AANDC is 11.22%, while the representation for Aboriginal men is 12.68%.

#### *British Columbia*

465. The 2011 British Columbia Public Service Workforce Profile Report on the public service contains detailed statistics and information on Aboriginal representation. The most recent version of the report was issued in March 2011 and the next report will be issued in 2014. Pages 12 and 14 of the report provide, respectively, the overall representation of Aboriginal people in the workforce (all occupations combined) as well as a breakdown of Aboriginal versus non-Aboriginal employees in managerial positions.<sup>77</sup>

#### *Alberta*

466. Alberta does not have a process for keeping track of the number of Aboriginal women in the public service.
467. The Ministry of Aboriginal Relations has the following positions held by women of Aboriginal descent: 1 executive director (out of 4 executive directors); 3 directors (out of 11 directors); and 3 managers (out of 29 managers).

#### *Saskatchewan*

468. As set out in the tables below, as of March 31, 2013, self-identifying Aboriginal women comprise 11.4% of female employees (783 of 6,890) in the Saskatchewan provincial public service in all employment categories and 4.3% of all employees (783 of 12,419). Aboriginal men in turn accounted for 12.2% of men working in the Saskatchewan provincial public service (676 of 5,529) and 5.4% of all those working in the Saskatchewan provincial public service (676 of 12,419). Information is provided below on the representation of Aboriginal women and men in each employment category.

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the 77 departments, agencies and commissions for which the Treasury Board of Canada is the employer. Data from other employers such as the RCMP and the Canada Revenue Agency, are prepared by these organizations in separate reports, which are also tabled in Parliament and are available on their respective websites.

<sup>77</sup> British Columbia Public Service Workforce Profile Report 2011, at:

<http://www.bestats.gov.bc.ca/StatisticsBySubject/EmployeeResearch/EmploymentEquity.aspx>.

Canada's response to the follow-up questions of the Committee on the Elimination of Discrimination against Women concerning its inquiry into the issue of missing and murdered Aboriginal women

As at March 31, 2013  Categories	% of All Employees			% of Aboriginal Employees	
	All Aboriginal Persons	Female Aboriginal Persons	Male Aboriginal Persons	Female	Male
Permanent Full-Time	9.8%	5.9%	4.0%	59.8%	40.2%
Permanent Part-Time	14.9%	10.0%	4.8%	67.5%	32.5%
Labour Service	29.0%	4.0%	25.0%	13.9%	86.1%
Non-Permanent	8.8%	6.4%	2.3%	73.4%	26.6%
All Employment Types	11.8%	4.3%	5.4%	53.7%	46.3%
In-Scope	13.0%	6.9%	6.1%	53.4%	46.6%
Out-of-Scope	5.4%	3.1%	2.3%	57.1%	42.9%
Senior Management	5.6%	2.8%	2.8%	50.0%	50.0%
Middle and Other Management	5.7%	2.6%	3.1%	46.2%	53.8%

*This information is based on self-declaration & Pro-Rated headcount	Sum of pro-rated headcount of All Employees in category broken down by Gender			# of Self-declared Aboriginal Persons		
Categories	Pro-Rated Headcount of Employees in Category	Total # of Female Employees	Total # of Male Employees	Total pro-rated # of self-declared Aboriginal Persons	# of Aboriginal Persons in category that are female	# of Aboriginal Persons in category that are male
Permanent Full-Time	8,349.00	4,565.00	3,784.00	820.00	490.00	330.00
Permanent Part-Time	1,504.41	929.41	575.00	223.42	150.75	72.67
Labour Service	942.83	220.00	722.83	273.50	38.00	235.50
Non-Permanent	1,622.75	1,175.58	447.17	142.08	104.25	37.83
All Employment Categories	12,418.99	6,889.99	5,529.00	1,459.00	783.00	676.00
In-Scope	10,350.99	5,812.99	4,538.00	1,347.00	719.00	628.00
Out-of-Scope	2,068.00	1,077.00	991.00	112.00	64.00	48.00
Senior Management	215.00	86.00	129.00	12.00	6.00	6.00
Middle and Other Management	917.00	385.00	532.00	52.00	24.00	28.00

*Manitoba*

469. As of March 31, 2013, 13.6% (2,214) of Manitoba government employees self-declared as Aboriginal persons. This figure represents government departments only and does not include Crown Corporations, Regional Health Authorities and school divisions.

470. Within Manitoba's Department of Aboriginal and Northern Affairs, the Minister is First Nation and the Deputy Minister is Métis. The 2 Executive Directors (of the Aboriginal Affairs Secretariat and the Local Government Development Division) are both First Nations. 4 out of 6 directors are of Aboriginal identity.

*Quebec*

471. In Quebec, Aboriginal people represent 0.5% of the public service workforce. This is a slight increase since 2007 (0.4%). The statistics by job category are as follows:

Canada's response to the follow-up questions of the Committee on the Elimination of Discrimination against Women concerning its inquiry into the issue of missing and murdered Aboriginal women

Taux de représentativité en mars 2011  
Par catégorie d'emploi

Catégorie d'emploi	Communautés culturelles %		Autochtones %		Anglophones %		Personnes handicapées %	
	Régulier	Occasionnel	Régulier	Occasionnel	Régulier	Occasionnel	Régulier	Occasionnel
Haute direction	3,1	0,0	0,1	0,0	1,8	0,0	0,1	0,0
Cadres	2,5	10,5	0,3	0,0	0,8	0,0	0,3	0,0
Professionnels	7,1	8,6	0,4	0,2	0,9	0,5	1,0	0,7
Enseignants	7,9	21,5	0,9	0,4	2,3	1,1	0,5	0,5
Techniciens	7,6	14,4	0,7	0,2	0,8	0,5	1,6	1,1
Personnel de bureau	8,1	10,9	0,6	0,3	1,1	0,7	2,6	2,1
Agents de la paix	9,7	2,2	0,9	0,6	1,3	1,1	0,1	0,0
Ouvriers	2,5	2,5	1,0	0,7	1,7	0,9	0,7	0,6
<b>Total</b>	<b>7,1</b>	<b>10,8</b>	<b>0,5</b>	<b>0,3</b>	<b>0,9</b>	<b>0,7</b>	<b>1,3</b>	<b>1,3</b>

472. At Quebec's Secrétariat aux affaires autochtones, the proportion of Aboriginal employees is 4%.

*New Brunswick*

473. New Brunswick does not currently have a process to track the number of individuals who self-identify as Aboriginals working within the public service. However, based on the information that is available, there are approximately 62 Aboriginal persons within the public service; and in 2012-2013, 9 Aboriginals received funding through the Equal Employment Opportunity program to work as term employees within Part I. This does not most likely reflect the true number of Aboriginals working with departments. As part of the review of the Equal Employment Opportunity Program, New Brunswick is exploring ways to establish baseline data for target groups (including Aboriginal people) in order to track the progress made at increasing representation within the public service.

*Nova Scotia*

474. The following table provides information regarding the representation of Aboriginal persons in the labour force and the public service in Nova Scotia.

**Table A<sup>78</sup>**  
**(updated for March 31, 2012)**  
**2011 – 2012**

<b>Groups</b>	<b>All Ages 2006 (% of Prov. Population)</b>	<b>In Labour Force 2006 (% of total Prov. Labour Force)</b>	<b>Public Service March 31, 2012 (% of total Public Service)</b>
<i>Aboriginal Persons</i>	24,175 (2.7%)	11,259 (2.3%)	100 (0.8%)

<sup>78</sup> Source: Government of Nova Scotia SAP-Human Resource Database System, 2006 Canadian Census as reported on NS Community Counts, at: [www.gov.ns.ca/finance/communitycounts](http://www.gov.ns.ca/finance/communitycounts).

*Newfoundland and Labrador*

475. These statistics are not currently available in respect of Newfoundland and Labrador. However, the government of Newfoundland and Labrador, in May 2013, announced the upcoming development of an Aboriginal Foundation Document. The document will include an initiative that will inform a data base on Aboriginal representation within the public service.

*Yukon*

476. The chart below sets out Yukon's public service statistics regarding the percentage of Aboriginal male and female workers and the distribution of these workers as to gender and level of decision-making.

Percentage of aboriginal male and female in workforce

Sex	Values				Total Count of employees	Total Count of employees
	Non-Aboriginal Count of employees	Count of employees	Aboriginal Count of employees	Count of employees		
Female	1901	85.82%	314	14.18%	2215	100.00%
Male	1022	88.33%	135	11.67%	1157	100.00%
Unknown	1	100.00%		0.00%	1	100.00%
<b>Grand Total</b>	<b>2924</b>	<b>86.69%</b>	<b>449</b>	<b>13.31%</b>	<b>3373</b>	<b>100.00%</b>

Distribution within gender and level

Sex	Level	Count of employees	Count of employees
Female	1-10		124
	11-22		110
	Educ		64
	MG		16
<b>Female Total</b>		<b>314</b>	<b>69.93%</b>
Male	1-10		55
	11-22		62
	Educ		11
	MG		7
<b>Male Total</b>		<b>135</b>	<b>30.07%</b>
<b>Grand Total</b>		<b>449</b>	<b>100.00%</b>

*Northwest Territories*

477. The Northwest Territories are committed to a public service that is representative of the population it serves.



478. In 1989, the Northwest Territories implemented the Affirmative Action Policy to help meet this goal. Through this policy, the Northwest Territories give preference in employing the following groups:

- Indigenous Aboriginal persons;
- Indigenous Non-Aboriginal persons;
- resident persons with disabilities;
- resident women in senior management; and
- women in non-traditional occupations.

479. At the end of 2012, there were 1,502 Indigenous Aboriginal employees, representing 32% of the public service.

480. As of December 31, 2012, there were 39 Indigenous Aboriginal senior managers, which represented 19% of employees in senior management. This is an increase from 18% in 2011. Further, there is a higher percentage of Indigenous-Aboriginal middle managers (24%) than Indigenous non-aboriginal middle managers (19%).

481. In 2012, 10 new people became senior managers. Of these 10 senior managers, 5 were Indigenous Aboriginal persons.

#### *Nunavut*

482. Inuit make up 51% of the public service in Nunavut.

### **QUESTION 10: LAW ENFORCEMENT**

*A few reports mention cases of overt violent and abusive treatment of Aboriginal women and girls by police officers.*

- Please indicate the kind of incidents which the Civilian Review and Complaints Commission (CRCC) is mandated to investigate. Please indicate whether these incidents include sexual harassment. Please also indicate when the CRCC is scheduled to start operating.*
- Please describe, for each province: a) the different complaint mechanisms regarding police misconduct of RCMP police officers (other than CRCC); and b) the different mechanisms that apply to other police forces. Please describe the mandates of each of these mechanisms and their guarantees of independence.*
- The experts were informed that investigations of missing persons and unidentified remains by the RCMP are now guided by policies and a best practices document. These directives address, inter alia, report intake, jurisdiction, risk assessment and response, investigative steps/priorities, special procedures for vulnerable/Aboriginal missing persons, structured links with other police agencies, including a Coroner liaison, sex worker coordinator, Aboriginal policing officer, and interactions with families and communities (including Aboriginal communities).*
  - *Best practice: A police agency should not turn away a report of a missing person on the basis of time elapsed since they have gone missing;*
  - *Best Practice: There is no waiting period for reporting a missing person.*

- *Best Practice: Under no circumstances should a reporting party be advised that they must wait a specific period of time before a report can be made.*

*Furthermore, NCMPUR best practices state that police agencies should not treat certain types of missing persons, such as repeat runaways or persons of high-risk lifestyles, differently at the beginning of the investigation.*

*However, the experts were informed that calls to the police by indigenous women and girls seeking help with violence are frequently met with skepticism and victim-blaming questions and comments. Overall, the experts were informed of the level of fear on the part of women and their profound fear of retaliation if they complain or report. Please describe how RCMP ensures that there is uniform implementation of best practices, given that RCMP divisions can also develop their own best practices, and describe which measures are provided against police officers who fail to follow Best Practices, and the extent to which such measures are implemented.*

- d) *In particular, the experts were informed that, according to the Best practices, a complaint can now be lodged in a jurisdiction even if a person has been missing or murdered in another jurisdiction. Please indicate whether this rule only exists in the Best Practices.*

## **Police behaviour and methodology**

483. Public trust and confidence are central to the success and effectiveness of a professional and accountable police force. Effective, independent police oversight mechanisms are therefore an important means of improving police performance, building public confidence in the police, developing the openness and accessibility of the system, addressing complaints of police misconduct and collecting data on this topic.
484. Any allegations and complaints of police misconduct are treated very seriously by the RCMP. A complaint of misconduct may be received directly at the detachment where the employee works or initiated by contacting the Commission for Complaints against the RCMP, described in further detail below. These complaints may also be made anonymously. Depending on the nature of the public complaint, an investigation under the Code of Conduct and a statutory investigation may also be initiated.
485. Whenever it appears that an employee of the RCMP has contravened a provision of the *Criminal Code of Canada*, of another statute, or if there has been a serious injury or death of an individual in a situation that involves an RCMP employee, an independent external investigation will be initiated in accordance with the RCMP's External Investigation or Review Policy.
486. This national policy on the investigation of serious incidents involving RCMP employees clearly states that where there is a provincially- or federally-established regime in place for independent external investigations of RCMP conduct, the RCMP will refer all matters that meet the established criteria of that provincially- or federally-established regime to the appropriate authority to conduct investigations.
487. Where no such regime has been established, the RCMP will request an external law enforcement agency or other duly-authorized investigative agency to conduct an investigation (that is, an independent external investigation) that the RCMP would otherwise conduct, where there is a serious injury or death of an individual in a situation that involves an RCMP employee, or where it

appears that an employee of the RCMP may have contravened a provision of the *Criminal Code of Canada* or another enactment and the matter is of a serious or sensitive nature.

488. If an independent external investigation is not feasible or appropriate due, for example, to the lack of available external investigative resources, an RCMP Division other than the one where the incident occurred will conduct the investigation. If an investigation by a different RCMP Division is similarly not feasible or appropriate due, for example, to the lack of available investigative resources, the division where the incident occurred will, as a last resort, undertake the investigation. In all cases where the RCMP is conducting an investigation pursuant to this policy, an independent third-party observer will be requested to assess the impartiality of the investigation.
489. If an employee has been found to have breached the Code of Conduct, sanctions include counselling, reprimand, the loss of pay for a maximum of 10 days or dismissal.
490. The Commission for Public Complaints against the RCMP (CPC) was established as an independent body to hold the Royal Canadian Mounted Police (RCMP), Canada's national police service, accountable to the public by enabling public complaints about the on-duty conduct of RCMP members. This body is mandated to receive complaints from the public about the conduct of RCMP members; conduct reviews when complainants are not satisfied with the RCMP's handling of their complaints; hold hearings or carry out investigations on complaints; and report findings and make recommendations to the Commissioner of the RCMP and the Minister of Public Safety Canada, with a view to correcting and preventing recurring policing problems.
491. In response to concerns raised by the public, contract jurisdictions, RCMP employees, Parliamentary committees, the Commission for Public Complaints Against the RCMP and several major reports, all of which called for more effective review of the RCMP and more timely handling of conduct issues, Canada enacted legislative amendments to the *RCMP Act* (Bill C-42), which received royal assent in Parliament in June 2013, creating a new Civilian Review and Complaints Commission for the Royal Canadian Mounted Police (CRCC) to replace the existing Commission for Public Complaints Against the RCMP (CPC) and providing it with enhanced powers.
492. The CRCC will have the same powers of the former commission along with new powers and authorities to carry out its mandate, including:
- broad access to RCMP information to help it perform its duties (it will be required to safeguard against unauthorized disclosure of privileged information);
  - enhanced investigative powers, including the authority to summon and compel witnesses to give evidence;
  - the ability to conduct joint investigations and share information with other police review bodies;
  - the ability to conduct policy reviews to determine the RCMP's compliance with legislation and regulations, as well as policies, procedures, guidelines and Ministerial Directives; and
  - the authority to appoint civilian observers to assess the impartiality of criminal investigations of serious incidents involving the RCMP or, with approval of the relevant provincial authority, when the investigation is being done by the RCMP or another police service.

493. The enhanced powers and authorities of the CRCC will increase the RCMPs accountability to Canadians and will be similar to those of other modern international, federal and provincial review bodies.
494. In terms of complaint trends, the most common types of complaints over the past few years have been related to an RCMP member's attitude, the quality of the RCMP criminal investigation and improper arrests.<sup>79</sup>

10 Most Common Complaint Issues	% of Complaint Issues
Attitude other than abusive language	20.3
Criminal investigation quality (RCMP)	17.8
Improper Arrest	8.6
Police physical abuse (other than restraints)	6.2
Vehicular incidents	6.1
Detention	4.6
Incidents involving alcohol/drugs	4.1
Search and seizure	3.2
Public complaint process quality (RCMP)	2.6
Property mishandling	2.5

495. Bill C-42 received Royal Assent in June 2013. The amendments to the *RCMP Act* that create the CRCC come into force on a day to be fixed by order of the Governor-in-Council. This is expected to occur in 2014.
496. The CRCC could investigate issues/complaints related to sexual harassment just as the CPC does. For example, the CPC recently conducted a public interest investigation into issues of workplace harassment within the RCMP and examined the approximately 718 harassment complaints filed between 2005 and 2011, representing roughly 2.5% of all employees of the RCMP. 90% of complaints alleged what could be termed bullying.<sup>80</sup>

## Provincial complaint mechanisms regarding police misconduct of members of the RCMP and of other police forces

### *British Columbia*

497. Since September 2012, the Independent Investigations Office (IIO) has conducted criminal investigations into police-related incidents that result in death or serious harm to members of the public. Prior to the IIO's establishment, police forces were calling upon other police forces to

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<sup>79</sup> For more information, please see: <http://www.cpc-cpp.gc.ca/cnt/cr-ro/anr/2012-2013-eng.aspx>.

<sup>80</sup> For more information, please see: <http://www.cpc-cpp.gc.ca/cnt/nrm/nr/2013/20130214-eng.aspx>.

conduct such investigations, so that members of a police force would not be investigating members of the same force. The IIO conducts criminal investigations into police-related incidents that result in death or serious harm to members of the public. The civilian-led IIO's mandate is to conduct investigations with respect to any on- or off-duty police officer in British Columbia, whether that officer is a municipal officer, a member of the RCMP, a Tribal Police member, a Transit Police officer, an auxiliary member or a Special Provincial Constable.

498. Police agencies are required under the *Police Act* to contact the IIO when an incident occurs that may fall within the IIO's mandate. If the IIO finds the case is within its jurisdiction, it will investigate and determine whether the police officer(s) involved were within their legal authorities. The Chief Civilian Director will then either make a report to Crown counsel indicating that an offence may have occurred, or will determine that an offence did not occur and will release a public report on the investigation and the IIO's findings. The IIO operates under the Ministry of Justice.
499. Under the *Police Act*, the Office of the Police Complaint Commissioner (OPCC) is responsible for overseeing the handling of complaints against officers employed by municipal police departments and designated policing units such as the South Coast British Columbia Transportation Authority Police Service and the Stl'atl'imx Tribal Police Service, with respect to professional standards and code of conduct matters.
500. Members of the public may file complaints directly with the OPCC. A complaint may be resolved by informal means, mediation or through investigation. The police conduct the investigations into public complaints, while the Police Complaint Commissioner oversees those investigations. After the completion of an investigation, disciplinary or corrective measures may be imposed, which can range from the member receiving advice to dismissal. The Police Complaint Commissioner may review the result of the proceeding and, if the result is deemed incorrect, may order a review on the record or a public hearing.
501. As the Police Complaint Commissioner is an independent Officer of the Legislature, the OPCC operates independently of police and government. The OPCC reports directly to the British Columbia Legislative Assembly.

#### *Saskatchewan*

502. Regarding the process for initiating a public complaint regarding police conduct of police agencies other than the RCMP in Saskatchewan, under section 38 of *The Police Act, 1990*, any member of the public other than a member of a police service or the Public Complaints Commission (PCC) may initiate a public complaint regarding police conduct or the policies of or services provided by a police service. Complaints can be initiated at any of the following agencies:
  - the PCC;
  - any police service;
  - the Special Investigations Unit of the Federation of Saskatchewan Indian Nations;
  - the Ministry of Justice;
  - any detachment of the RCMP; or
  - the office of the local Board of Police Commissioners of the police service involved.
503. The intake agency receiving a public complaint must: 1) record the complaint on the form set out in the regulations; 2) transmit the complaint to the PCC; and 3) provide a copy of the transmittal to the complainant. Complaints must be received within 12 months from the day on which the complainant should have been aware of the incident complained of. The Chairperson of the

Saskatchewan Police Commission may extend the 12 month limitation, on application by the PCC, if he or she is satisfied that it is in the public interest to extend the time.

504. Among other things, the PCC has the statutory authority to direct the investigation into public complaints alleging criminal, statutory or disciplinary offences by police members as well as matters that are deemed to be public complaints because they directly involve a member of the public. The PCC may: have its field investigators investigate the complaint; inform the police service whose member is the subject of the complaint that a different police service must investigate the matter; appoint an outside observer to monitor and report on the investigation; or refer the matter to the police service whose member is the subject of the complaint for investigation.
505. The statute requires one member of the Commission to be of Métis and one to be of First Nations ancestry. It employs field investigators and the Commissioners are nominated by the Minister of Justice with input from the Federation of Saskatchewan Indian Nations, Métis Family and Community Justice Services Inc., the Saskatchewan Association of Chiefs of Police and the Saskatchewan Federation of Police Officers.
506. With respect to the role of the Saskatchewan Police Commission, the Saskatchewan Minister of Justice is responsible for administering provincial legislation regarding public complaints against municipal police officers. The Saskatchewan Police Commission is an independent statutory corporation created under the *Police Act, 1990*. It has a membership minimum of 3, although generally its membership is maintained at 5. Its members are appointed by the Lieutenant Governor in Council and come from various occupations including members of the legal profession. While its primary functions are civilian oversight of policing and the development of a provincial policy framework for police services other than the RCMP, it also plays a role in the administration of police discipline. The Chairperson of the Commission considers applications from Chiefs of Police to extend the limitation period within which the investigation of allegations of police misconduct must be concluded and can grant extensions where it is in the public interest to do so. The Commission also sits as an appeal tribunal to hear and determine appeals from the decisions of independent hearing officers in police discipline matters.
507. The Saskatchewan Police Commission works with police services and Boards of Police Commissioners to promote effective policing throughout the province. The Commission also promotes crime prevention and the improvement of police relationships with communities. Among its many other responsibilities, the Commission is empowered to conduct audits and reviews, and to provide information to Boards of Police Commissioners. The Commission is the final appeal body in disciplinary and dismissal matters.

### *Manitoba*

508. In Manitoba, there are two mechanisms regarding the investigation of incidents involving police and complaints of police misconduct that fall under provincial jurisdiction. The Law Enforcement Review Agency (LERA) receives and reviews complaints of a non-criminal nature against municipal and First Nations police, but does not have jurisdiction over the RCMP. The newly legislated Independent Investigation Unit (IIU) has jurisdiction over all police in Manitoba, including the RCMP.

Law Enforcement Review Agency (LERA)

509. LERA is an independent, non-police agency, established to investigate public complaints about police. LERA deals only with complaints about municipal or local police incidents arising out of the performance of police duties. It does not investigate criminal matters.
510. LERA operates under the *Law Enforcement Review Act*. This Act applies to any peace officer employed by a Manitoba municipal or local police service, including police chiefs. It does not apply to members of the RCMP. Any person who feels wronged by the conduct or actions of a municipal police officer in Manitoba can file a complaint to LERA.
511. LERA is mandated to investigate the following types of complaints:
- abuse of authority, including:
    - making an arrest without reasonable or probable grounds;
    - using unnecessary violence or excessive force;
    - using oppressive or abusive conduct or language;
    - being discourteous or uncivil;
    - seeking improper monetary or personal advantage;
    - serving or executing documents in a civil process without authorization; and
    - discriminating on the basis of race, nationality, religion, colour, sex, marital status, physical or mental handicap, age, source of income, family status, political belief, or ethnic or national origin;
  - making a false statement, or destroying, concealing or altering any official document or record;
  - improperly disclosing any information acquired as a member of the police department;
  - failing to exercise discretion or restraint in the use and care of firearms;
  - damaging property or failing to report the damage;
  - failing to assist where there is a clear danger to the safety of a person or property;
  - violating the privacy of any person within the meaning of the *Privacy Act*;
  - contravening any part of the *Law Enforcement Review Act* that does not specify a penalty for the violation; and
  - assisting, counselling or causing any person to commit a disciplinary default.

Independent Investigation Unit

512. Under the *Police Services Act*, investigations into specific types of major incidents or complaints of a criminal nature involving a police officer will fall under the jurisdiction of the Independent Investigation Unit (IIU). Currently under development, the IIU will be the most comprehensive investigation model in Canada to deal with incidents involving police.
513. When the IIU is operational, it will have province-wide jurisdiction over police including First Nations, RCMP and municipal police. Investigations will be mandatory when fatal force or serious injury incidents occur and the unit will be able to take over any other investigation it considers advisable. According to the legislation, the IIU must be notified of all on- and off-duty officer-involved incidents that are criminal in nature. It also has the ability to oversee officer-involved investigations performed by police forces in Manitoba.

514. The IIU is led by a civilian director, and is mandated to perform independent, objective criminal investigations. The Act requires that the IIU be led by a civilian director who is not a current or former member of a police service or the Royal Canadian Mounted Police. Investigators will be a combination of civilian and seconded officers and investigations will be undertaken using major case management principles.

#### *Ontario*

515. The *Ontario Police Services Act* provides a process for the investigation of public complaints regarding police. Under the Act, if members of the public have concerns about the conduct of a specific police officer or the services or policies of a particular police service, they may contact the Office of the Independent Police Review Director (OIPRD). The OIPRD is responsible for receiving, overseeing, monitoring and dealing with all public complaints against the police in Ontario. This includes municipal and regional police services and the Ontario Provincial Police. Staffed entirely by civilians, the OIPRD is an arms-length agency of the Ministry of the Attorney General. The Director's decisions are independent from the Ontario government, the police and the community.

#### *Quebec*

516. Aside from recourse to the Commission des droits de la personne et des droits de la jeunesse and remedies in the civil courts, Quebec has a police ethics system created under the *Police Act*. This system enables citizens to lodge a complaint against a police officer whose actions may contravene the Code of ethics of Quebec for police officers, which is intended to protect citizens by ensuring that their rights and freedoms are respected.

517. The system is composed of 2 independent civil authorities: the Police Ethics Commissioner, who receives and examines complaints, and the Comité de déontologie policière, which is a specialized administrative tribunal. Upon being seized of a citation filed by the Commissioner, the committee determines whether the police officer's conduct is a transgression of the Code of ethics and if so, may impose sanctions, ranging from a warning to dismissal. The committee is an accessible, independent and impartial body specializing in police ethics. Its decisions are public.

#### *New Brunswick*

518. The New Brunswick Police Commission is the independent body that receives and investigates complaints about the conduct of law enforcement personnel. Police forces are required to record all complaints with advice to the Police Commission. The Commission is responsible for the following:

- the investigation and determination of complaints by any person relating to the conduct of a member of a municipal or regional police force;
- the investigation and determination of any matter relating to any aspect of policing in any area of the province, either on its own motion, or at the direction of the Minister of Public Safety;
- ensuring consistency in disciplinary dispositions through maintenance of a repository of disciplinary and corrective measures taken in response to *Police Act* violations; and



- the determination of the adequacy of municipal, regional and RCMP forces within the province, and whether each municipality and the province is discharging its responsibility for the maintenance of an adequate level of policing.

#### *Nova Scotia*

519. In Nova Scotia, the complaints process for the Halifax Police Department provides for both formal and informal resolutions of complaints. This process may also include a review by the Chief of Police, the Police Complaints Commissioner and the Police Review Board.<sup>81</sup>

#### *Newfoundland and Labrador*

520. The Royal Newfoundland Constabulary Public Complaints Commission (the RNC PCC) is the body which oversees the process by which complaints made by members of the public against Royal Newfoundland Constabulary (RNC) officers are investigated and adjudicated upon. The administrative law framework and the procedures by which public complaints against RNC officers are dealt with are set out in sections 18-43 of the *Royal Newfoundland Constabulary Act*,<sup>82</sup> and the *Royal Newfoundland Constabulary Public Complaints Regulations*. The RNC Public Complaints Commissioner is appointed by the Lieutenant-Governor in Council of the Province of Newfoundland and Labrador and the RNC PCC is a body which exists and operates separate and apart from the RNC.

521. The functions of the RNC Public Complaints Commissioner are to receive, review and investigate complaints made against police officers and to dismiss or refer complaints for a hearing. The Commissioner may make recommendations respecting matters of concern to the public relating to police services to the Chief, with a copy to the Minister.

522. The RNC PCC has the mandate to deal with public complaints that fall into two categories as set out in sections 22(1)(a) and (b) of the Act: the conduct of a police officer; and the operational policies or procedures of the constabulary which govern the manner in which a police officer discharges his or her duties.

523. The guarantee of independence of the RNC PCC arises by virtue of the fact that the RNC PCC is a separate public body from the RNC and the RNC Public Complaints Commissioner has the ability to order an independent investigation of the public complaint and to refer the matter to a chief adjudicator appointed by the Lieutenant-Governor in Council for a hearing. There exists a presumption that public complaint hearings are open to the public and the RNC Public Complaints Commissioner has the ability to publish an order, reasons and recommendations that are made by the adjudicator in whatever manner he or she considers advisable pursuant to section 38 of the Act. The fact that hearings are presumed to be held in public and the orders and recommendations from the hearings can be published arguably adds a layer of public oversight, or at least transparency into the RNC public complaints process.

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<sup>81</sup> For more information, please see: <http://www.halifax.ca/Police/departments/profstandards.html>.

<sup>82</sup> *Royal Newfoundland Constabulary Act*, S.N.L. 1992, C. R-17, at: <http://www.assembly.nl.ca/Legislation/sr/statutes/r17.htm>.

### **Uniform Implementation of Best Practices by the RCMP**

524. National policies provide direction for the actions that employees are to take under stated circumstances. They are usually based on legislative and central agency requirements or departmental principles and commitments. They provide assurances of support for actions taken. They are higher-level directional statements, but they do not contain details on the execution of policy. Policies are followed by procedures that explain various elements, such as the working details, methods of operation, reporting and investigation, review and routing, identify actors and specify the steps or actions to be followed in implementing policies. Together, policies and procedures form directives, having equal weight of application. The RCMP Commissioner's foreword regarding these directives states: "[e]mployees will observe and comply with the directives in these manuals which apply to their duties and responsibilities."
525. National policy directives apply RCMP-wide. The content is the responsibility of the policy centres situated at the national headquarters of the RCMP. Supplements are additional procedures and are specific to a region/division, directorate and unit. Best practices may be included in any part of policy; however, supplements cannot supersede or contradict national directives.
526. Failure of RCMP employees to abide by national and local policies may result in Code of Conduct or criminal charges depending on the act or omission.
527. A recent enhancement to the RCMP's National Missing Persons policy directs a missing person complaint will be accepted and acted upon by any detachment, regardless of jurisdiction. This includes any information, tips or leads regarding any missing person's investigation. Best Practices in the investigation of missing persons and unidentified remains cases were gathered by the National Centre for Missing Persons and Unidentified Remains (NCMPUR) from across Canada and, where available, internationally. In consultation with representatives from the Canadian Association of Chiefs of Police - Canadian Strategy on Missing Persons and Unidentified Remains (CSMPUR) Committee as well as investigators from Missing Persons and Unidentified Remains units in Canada, the NCMPUR has created an investigative Best Practices document which is available to Canadian police services, medical examiners and chief coroners.
528. The RCMP is currently developing a national missing person strategy to provide a foundation for a standardized organizational approach to missing person investigations that will focus on accountability, partnerships, prevention and supporting families.

### **QUESTION 11: TRAINING OF JUDGES AND PROSECUTORS**

*Please indicate whether training for judges and prosecutors exist to enhance cultural sensitivity as regard Aboriginal people as well as on the elimination of stereotypes, racism and sexism. If so, please provide details on their duration and content, and indicate whether they are on-line and mandatory.*

## Training for Judges

529. Judicial education for federally and provincially appointed judges is primarily coordinated through the National Judicial Institute (NJI), an FPT-funded independent corporation managed by a Board of Governors that is chaired by the Chief Justice of the Supreme Court of Canada.<sup>83</sup>
530. The NJI has placed a strong emphasis on sensitivity programs since its inception. Certain issues, including that of violence against women and children, Aboriginal issues, disability rights, cultural considerations, and self-represented litigants have been raised as areas that deserve particular attention. In January 1997 the NJI launched the Social Context Education Project, which was designed to provide judges with the practical and analytical skills needed to be able to appropriately take context into account in judicial decision-making. This Project was developed by the NJI in response to a Canadian Judicial Council resolution that there be judicial education programs on social context issues including gender and race which are comprehensive, in-depth and credible. The NJI's Social Context Education Program focuses on assisting judges: (i) to understand the nature of diversity, the impacts of disadvantage, and the particular social, cultural and linguistic issues that shape the people who appear before them; (ii) to explore their own views of the world and reflect on how these views may interact with judicial process; (iii) to examine research and community experience relevant to processes of judicial reasoning; and (iv) to analyze jurisprudence related to the role of social context in decision-making consistent with the constitutional guarantee of equality.
531. Training on cultural sensitivity and social contexts is delivered through both stand-alone programs addressing social context themes and through the integration of social context modules in programs addressing substantive knowledge and judge/court craft (for example, the judicial career-focused programs: the annual program for new judges (6 days) and *The Art and Craft of Judging: Your Sophomore Years* for more experienced judges; as well as substantive programs on judicial ethics, Aboriginal law, family law, domestic violence and criminal law).
532. The NJI's curriculum is increasingly accessible through technology-based distance learning techniques. These include in-person and online courses, audio-video conferencing and webcasting, 2-way text communication courses, and Electronic Bench Books (including short summaries of the law, checklists, access to relevant legislation and cases, as well as access to papers and other electronic resources.)
533. The duration of NJI programs can vary greatly depending on the format of the courses. The national seminars are typically held over 3 days, but there are also longer, more intensive summer programs that can last a week.
534. Cultural sensitivity courses currently offered through the NJI include the following:
- *Aboriginal Law Seminar*: to assist judges in addressing a broad range of issues that may arise in court, including constitutional Aboriginal rights, conflict management and child protection. Topics include: the Constitution and Aboriginal Rights; understanding relevant treaties; the constitutional framework for decision-making; evidence and language in Aboriginal cases; conflict management and injunctions; Métis, non-status

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<sup>83</sup> For more information, please see: <http://www.nji-inm.ca/nji/inm/progs-res/ressources-resources.cfm>.

issues; Aboriginal family, community and culture: the context of decision-making; child protection; and innovative approaches to sentencing;

- *Aboriginal Law: Governance Issues and Judicial Review*: a review of procedural and substantive issues and best practices in relation to Aboriginal law proceedings in the Federal Court (law-making authority, governance issues and litigation practice). The presentations and discussions are divided between substantive presentations on law-making authority (customary and non-customary law), procedural and substantive aspects of proceedings involving Aboriginal law and best practices;
- *Living in the Margins Seminar* (with the Canadian Chapter of the International Association of Women Judges): presents themes relevant to social context and judging in Canada, dealing with family, criminal and civil law areas, with a specific focus on gender dimensions. Topics may include: addictions and the law; violence against marginalized women; family law and Aboriginal women; and case law updates on contemporary issues;
- *Justice and Jails: An In-Depth View of Sentencing*: Classroom sessions and site visits to meet with professionals in the fields of corrections, mental health and addictions. Topics may include: Parole Board hearings; sentencing tools; access to information and privacy and prisoner documentation; dos and don'ts for judges; federally-sentenced women; and Aboriginal peoples and older offenders;
- *Communication Skills in the Courtroom*: provides judges with the opportunity to manage some of the communication challenges they face, including communicating with children, persons with cognitive disabilities, intercultural communications and managing communications with self-represented litigants. It is clear from their ongoing curriculum development that the NJI is striving to provide effective training to Canada's judiciary in this important area; and
- *Managing Domestic Violence Cases in Family and Criminal Courts* (4 days): using live simulations, videotaped exercises, feedback from experts and a mix of plenary and concurrent sessions, judges have the opportunity to develop their skills and further their understanding of the dynamics, impact, and social context of domestic violence in order to deal with these complex cases effectively, whether in the criminal or family law context.

535. The Canadian Association of Provincial Court Judges (CAPCJ) is a federation of provincial and territorial judges' associations whose membership includes most of the provincial and territorial judges in Canada. A core part of the CAPCJ's mandate is to develop and offer judicial education to newly-appointed provincial, territorial and military court judges and to its membership generally and to assist in planning and coordinating judicial education with other education providers. CAPCJ holds a national annual conference each year that includes a substantial judicial education program. It also supports a number of regional judicial education programs for its members.

#### *British Columbia*

536. The British Columbia Supreme Court hosts judicial education and training programs on an ongoing basis. Twice a year, a 3-day education seminar is held for all judges in association with the National Judicial Institute (NJI), the agency in Canada that develops education and training

programs for superior court judges. As well, the Judges of the Provincial Court engage in a mandatory 5 days per year continuing education at the Judges' Education Conference, which has included education/training on matters regarding cultural sensitivity around Aboriginal issues/peoples including the elimination of stereotypes, racism and sexism.

537. On behalf of the British Columbia Court of Appeal, all of the training for judges is conducted by the National Judicial Institute. They conduct conferences and individual training for judges, especially for newly-appointed judges.

#### *Saskatchewan*

538. Inclusion, diversity and Aboriginal content are core elements of NJI's social context judicial education curriculum. They are also a recurring theme in the diversity and equity work of the Canadian Association of Provincial Court Judges. Aboriginal content, including content on Aboriginal women, is also a recurring topic on conference agendas of the Saskatchewan Association of Provincial Court Judges. Some of this training is available on-line, but it is generally not mandatory.

#### *Manitoba*

539. In addition to participation in the NJI's training programs, Manitoba's provincial court holds sittings in Aboriginal communities throughout the province. In many of these communities, there is regular involvement of Elders in the court process and, through that involvement, the judges of the Provincial Court have also acquired knowledge and understanding of Aboriginal culture and customs.

#### *Ontario*

540. In addition to the programs offered by the NJI, other organizations involved in the training of judges include the Canadian Institute for the Advanced Legal Studies, Canadian Institute for the Administration of Justice (CIAJ) and others approved by the Canadian Judicial Council or as undertaken by the judges at their own initiative.

#### *Quebec*

541. Training sessions on issues pertaining to Aboriginal realities are offered to various justice stakeholders, including criminal and penal prosecutors and Court of Quebec judges who are involved with Aboriginal communities. This optional training, which lasts approximately 2 days, covers the following subjects: a profile of Aboriginal peoples in Quebec; historic issues; modern-day challenges for Aboriginal communities (identity conflicts; transformation of way of life; substance abuse; poverty; housing problems); issues of family violence and sexual abuse; and legal issues surrounding recent decisions of superior courts.

#### *New Brunswick*

542. The New Brunswick Department of Justice does not provide training for Provincial Court judges. However, Provincial Court judges do receive training from the Canadian Association of Provincial Court Judges (CAPCJ) and the National Justice Institute (NJI), described previously in the present response.

*Newfoundland and Labrador*

543. The Skills Seminar offered by the NJI for newly-appointed judges on a yearly basis covers cultural sensitivity issues relating to Aboriginal peoples, including the elimination of stereotypes, racism and sexism. The Provincial Court of Newfoundland and Labrador has sent 11 new judges to this seminar in the past 5 years.

**Training for Prosecutors in Canada's Northern Territories**

544. In Canada's 3 northern territories, the Public Prosecution Service of Canada (PPSC) is responsible for all *Criminal Code of Canada* prosecutions. In each territory, the PPSC has a regional office, comprised of support staff, paralegals, Crown Witness Coordinators (who provide information, support and assistance to victims and witnesses throughout the criminal justice process) and approximately 50 prosecutors who reside and work in the north.
545. Cross cultural or cultural-sensitivity training is an important training component in each of Canada's three northern regional offices.
546. In each office, prosecutors are provided with regular opportunities for training. For instance, each office holds cultural sensitivity training retreats for prosecutors and other staff of up to 2 days in duration. These retreats are held in a community setting and include sessions with Aboriginal speakers who provide presentations about historical aspects of Aboriginal cultures and peoples, as well as the impact of residential schools, the justice system and other "southern" influences on their cultures and way of life.
547. In the Yukon, prosecutors and Crown Witness Coordinators also receive in-person training related to restorative justice programs and initiatives which are administered by the Yukon Territorial Government and are held in various Yukon Aboriginal communities. That training includes practical information concerning First Nations traditional dispute resolution techniques, such as sentencing circles, victim-offender reconciliation, and community case conferences. The objective of this training is to promote inter-agency cooperation in the application of community-based restorative, alternative measures to resolve criminal matters.
548. In Nunavut, prosecutors and staff undertake mandatory online cross-cultural training as well. The online course is comprised of four modules and covers topics including Nunavut's history, Inuit history and culture, the relationship between the criminal justice systems and its officials with Inuit people. The duration of the training course is approximately 16 hours.
549. The purpose of these various forms of training is in large part to ensure that prosecutors, who are by far mostly from southern Canada, learn about the Aboriginal peoples in the communities in which they work, to ensure that they have a better understanding of the various underlying systemic and historical factors that have impacted Aboriginal people in the North and how this has in many ways contributed to the disproportionate number of Aboriginal people who are involved with the criminal justice system, either as accused persons or victims, and in jail (as it relates to accused persons and offenders). The indirect benefit of these types of ongoing training efforts is that it contributes to the elimination of stereotypes, racism and sexism.

*British Columbia*

550. British Columbia has facilitated training for Crown counsel and administrative support staff regarding cultural awareness and sensitivity many times over the past few years. Training is aimed at understanding violence against women, the challenges faced by Aboriginal women and their increased risk of victimization and best practices for cases involving vulnerable victims and witnesses like Aboriginal women. Sessions included:

- in 2011, 1 session of the *Annual Crown Counsel Conference* was dedicated to Aboriginal Justice issues;
- in May 2012, a 1-day course for Crown counsel about fetal alcohol spectrum disorder was held;
- in June 2012, a learning event featured speakers from victim services within the British Columbia Ministry of Justice and from RCMP and was available to Crown across the province via webcasting. This session enabled Crown counsel to learn how to access services for victims and witnesses so they get the support they need as they navigate the criminal justice system. The databases featured in this presentation include contact information for resources and programming serving Aboriginal women;
- in June 2012, Professor Janine Benedet of the University of British Columbia Faculty of Law presented on the sexual assault of intoxicated victims encouraging all to challenge ill-founded preconceptions about sexual offences against intoxicated and drug addicted victims;
- in November 2012, a session for administrative support staff was held and was also webcast and available to staff in every office across British Columbia. The presenter detailed victim service programs and resources across British Columbia that work with witnesses and victims. This session encouraged Crown counsel office staff to be aware of the stressful nature of testifying in court and available resources; and
- at the 2013 *Annual Crown Counsel Conference*, the following sessions were held: the psychology of domestic violence victims; "Violence, Victimization and Trauma: The Complexities of Trauma Responses"; and the different testimonial accommodations available to vulnerable and child witnesses.

551. A new dedicated training program will also begin in January 2014 discussing cultural awareness and sensitivity.

*Saskatchewan*

552. The Public Prosecutions Division of the Saskatchewan Ministry of Justice periodically has cultural awareness training and education at their staff conferences. They are also considering the possibility of such training for their spring 2014 conference. Further, the Division has a representative on the Ministry's Inclusive Workplace Committee, which recently launched a Ministry-wide Inclusive Workplace Strategy.

### *Manitoba*

553. Manitoba prosecutors participate in cultural sensitivity training during training conferences. Attendance at the training conferences is mandatory and prosecutors from all regions of Manitoba attend. The cultural sensitivity training has ranged from an hour to a half-day and has included cultural sensitivity as regards to Aboriginal people as part of the training. In addition to the cultural sensitivity training at training conferences, prosecutors may take individual courses and programs.

## **QUESTION 12: LEGAL AID**

*Please provide information on conditions under which Aboriginal women have access to legal aid, in each provinces/territories [sic], both in civil and criminal cases.*

554. Under Canada's Constitution, responsibility for criminal justice is shared between the federal government under its authority for criminal law-making and criminal procedure, and the provincial governments, under their authority for the administration of justice and for property and civil rights. In the territories, civil law matters are delegated to the territorial legislative councils through the specific territorial acts (the *Yukon Act*, the *Northwest Territories Act* and the *Nunavut Act*). This ensures coordination between federal authority to enact criminal law and procedure and provincial and territorial responsibility for the administration of justice.
555. The Government of Canada views access to justice as fundamental to an effective and efficient justice system. The federal government continues to work collaboratively with the provinces and territories to develop mutually agreeable solutions in addressing the challenges of delivering legal aid services in Canada.
556. The Government of Canada contributes directly to criminal legal aid (and civil legal aid in the territories in recognition of the federal government's unique constitutional responsibilities in the North) through the Department of Justice Canada and to civil legal aid in the provinces through the Canada Social Transfer. The core objective of Canada's contributions to the provinces and territories is to promote fair legal proceedings and to ensure access to justice for economically disadvantaged persons regardless of age, gender or ethnicity. Criminal legal aid services are available to all individuals who are ordinarily resident in Canada.
557. In addition to legal aid, the Department of Justice Canada funds two grants and contribution programs, the Aboriginal Justice Strategy and the Aboriginal Courtwork Program, that provide justice-related services for Aboriginal people who are at risk of, or who are in contact with, the justice system. Further information on these programs is provided as part of Canada's response to Question 6, above.
558. The Women's Legal Education and Action Fund ("LEAF"), a national organization that aims to ensure the equality rights of women and girls under the law, intervenes in cases that are determined to have a significant impact on the equality rights guaranteed under Canada's *Charter of Rights and Freedoms* of all women that need to be protected or strengthened. LEAF also offers education programs to explain and discuss the equality rights of women and girls under the law.<sup>84</sup>

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<sup>84</sup> For more information, please see: <http://leaf.ca/>.



### *British Columbia*

559. The Legal Services Society (LSS) is an operationally independent agency that delivers legal aid in British Columbia. Legal aid involves a continuum of lawyer and non-lawyer services, ranging from full representation to self-help information and education.
560. Legal representation services are available in the following circumstances to everyone who qualifies financially:
- criminal matters where there is a likelihood of imprisonment or loss of livelihood upon conviction;
  - child protection matters;
  - serious family matters where the security of the applicant or the applicant's children is at risk or where there has been a persistent denial of parenting time;
  - some prison law matters; and
  - mental health review panel and Review Board hearings.
561. Representation services are also available to Aboriginal people in cases that affect their ability to follow a traditional livelihood of hunting and fishing. Aboriginal rights give Aboriginal people the right to participate in traditional activities that are fundamental to their distinctive cultures.
562. In addition, representation services are available to all complainants and witnesses in sexual offence cases where the defence has made an application for disclosure of records relating to the victim or witness. Representation is provided to all applicants regardless of their financial status, and for that reason, the application process is streamlined and automatically approved.
563. Duty counsel and telephone advice services for criminal matters are available to everyone and there are no financial eligibility criteria.
564. Duty counsel, family advice lawyers and family telephone advice services are available to those who qualify financially. Advice services are available for issues such as child protection, parenting time, guardianship, child support and limited property division.
565. Public Legal Education and Information is available on a variety of subject matters in both print and online. LSS employs information outreach workers in 5 communities, has local agents in 27 communities, and contracts with community partner organizations in rural and remote communities to provide information materials.

### *Services for Aboriginal Peoples*

566. LSS is committed to increasing awareness of Aboriginal legal rights and supporting the strengths of Aboriginal cultures and communities, including through the following:
- *Aboriginal Community Legal Workers*: Aboriginal community legal workers provide information and limited legal advice about family and child protection law, Indian residential schools, housing, and wills and estates. They work in 2 communities in British Columbia;
  - *Report Writing Project*: In 2011, LSS began piloting a report writing project aimed at ensuring that judges have an understanding of the personal histories of Aboriginal

offenders and of the unique systemic or background factors that may have played a part in bringing them before the court and encouraging judges to sentence Aboriginal offenders in a way that helps them and their communities heal. This project has been extended;

- *Services at First Nations Court:* LSS provides information about First Nations Courts in British Columbia and how to have a case transferred to that court. Duty counsel at the First Nations Court in New Westminster help Aboriginal people in various ways, including in applying to the court and finding a lawyer;
- *Publications:* LSS has a number of public legal information publications designed specifically to assist Aboriginal people. For example, LSS has guides on issues related to Aboriginal child protection, the Indian Residential Schools Settlement, social assistance on reserve and staying in the family home on-reserve; and
- *Community Partners:* In 2010, LSS began partnering with organizations in 24 communities around the province to provide legal information, education, and outreach services. The purpose of these partnerships is to increase services available in rural, remote, and Aboriginal communities using trusted organizations to identify and address legal needs.

#### *Saskatchewan*

567. There are no special provisions in the statutorily-mandated Saskatchewan legal aid program that either favour or restrict the access of Aboriginal women to legal aid services for criminal or family cases. It bears noting that these matters are the only fields of law in which legal aid presently offers full legal representation services. Family cases include matters related to the apprehension of children from their parents and certain care-givers.

568. Access to legal aid services, i.e., full legal representation by state-accredited legal counsel, is available for:

- certain criminal charges, upon conviction of which, in respect of their seriousness and quantity and the applicant's prior criminal record, there is a risk of incarceration;
- family law matters for which claims for recourse are made by or against the applicant, with the exception of claims for the distribution of family assets on separation and enforcement of delinquent support orders already made, depending upon various factors, including:
  - the applicant's financial eligibility determined by income levels based on the household's cumulative earnings for its constituent size, plus quantification of liquid assets; and
  - whether there is merit in the defence of the charges or the pursuit of or resistance to the family claims.

569. All people, regardless of their criminal charge and financial circumstances, are upon arrest and/or detention entitled to summary legal advice from state-accredited legal counsel at any time and to duty counsel services from state-accredited legal counsel for matters relating to judicial interim release (i.e., bail).

570. With respect to practical access to legal aid, Saskatchewan Legal Aid operates 14 offices and its lawyers attend 80 provincial courts in which the state has judicial officers adjudicating criminal and family matters, at all of which sites applications for legal aid may be made. Staff attend 10 superior courts around the province.

*Manitoba*

571. Aboriginal women have access to legal aid in Manitoba if they qualify under income requirements.<sup>85</sup> An applicant must earn an annual gross income that is less than the income qualification amounts. The gross income qualification amounts vary based on family size:

<b><u>FAMILY SIZE</u></b>	<b><u>FREE LEGAL AID</u></b>
1	\$14,000
2	\$18,000
3	\$23,000
4	\$27,000
5	\$31,000
6	\$34,000
more than 6	\$37,000

572. It bears noting that the income requirements are guidelines and Legal Aid assesses each applicant individually to determine whether they qualify for legal aid. If individuals do not meet the income qualifications, they may still qualify for legal aid if they pay back some of their fees and disbursements, plus the 25% program fee. The income qualification for partial pay-back legal aid is:

<b><u>FAMILY SIZE</u></b>	<b><u>PARTIAL PAY-BACK</u></b>
1	\$16,000
2	\$20,000
3	\$25,000
4	\$29,000
5	\$33,000
6	\$36,000
more than 6	\$39,000

573. Aboriginal women may also use Legal Help Centre services provided by Manitoba's Public Interest Law Centre (PILC). PILC works to increase access to legal and social service systems for lower income residents in Winnipeg by providing referrals, legal help and public legal education and information. PILC provides public legal education through its website, workshops and drop-in Clinics. Drop-in clinics are available to individuals with a family income that is less than \$50,000 per year. PILC provides legal information in the areas of family law, family violence, criminal law, employment law, wills/estates, real estate, housing, social assistance, human rights, Aboriginal rights and complaints against police.

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<sup>85</sup> For more information, please see: <http://www.legalaid.mb.ca/>.

*Ontario*

574. In 1988, Ontario established Legal Aid Ontario (LAO) as an independent but publicly-funded and accountable non-profit corporation to administer legal aid services to low-income individuals in Ontario. LAO is committed to providing services which recognize the importance of diversity, access, equity, creativity and quality. LAO provides legal aid services in matters involving domestic violence, family law, child custody, refugee and immigration hearings and poverty law. LAO also provides assistance in criminal cases where the accused faces a substantial likelihood of incarceration if convicted.

575. The bulk of legal aid services that LAO provides fall into four main categories:

- legal aid certificates that are provided to eligible low-income clients to retain a private lawyer of their choice;
- duty counsel services performed by staff and private sector lawyers in every court in Ontario, including Aboriginal Persons courts and fly-in courts located in remote First Nation communities;
- funding for 77 legal aid clinics and 6 law-student clinics that provide legal aid services directly to people using staff lawyers, community legal workers and law students; and
- LAO's toll-free number, which includes summary legal advice for family, refugee and criminal law matters.

*Aboriginal Justice Strategy*

576. Being aware of the realities and complexities of Aboriginal legal issues, LAO has made it a corporate-wide priority to provide efficient and effective services to Aboriginal clients, including Aboriginal women, in a culturally-sensitive and appropriate manner.

577. In 2007, LAO began the development of an Aboriginal Justice Strategy (AJS), with a mandate to develop a 3-to-5 year plan to achieve measurable improvements in LAO's services to Aboriginal people. LAO recognized that in order to actively improve its legal services and promote access to justice, a plan that speaks to the needs and concerns of Aboriginal people had to be implemented.

578. The AJS was developed after consultation with over 250 individuals including First Nation, Métis and Inuit people, Aboriginal service agencies, Aboriginal political organizations, LAO and clinic staff, private bar lawyers, and federal and provincial government staff. In 2008, LAO publicly released the Aboriginal Justice Strategy Development paper. The main issues identified during the consultations were:

- removing barriers to accessing justice;
- addressing the lack of Aboriginal representation within LAO and LAO's Advisory systems;
- addressing the need for increased Aboriginal legal representation that is appropriately informed of the unique needs of Aboriginal clients; and
- improving services on legal issues specific to the Aboriginal community and addressing the role of LAO in participating in or supporting those processes specific to or driven by Aboriginal people.

579. Each year, initiatives to improve services to Aboriginal people are developed. The first year of the AJS included 12 initiatives that focused on building awareness, relationships, knowledge and

setting organizational priorities. During subsequent years, the AJS' initiatives have focused on building capacity, resources and knowledge, adding sustainability and solidifying relationships with Aboriginal stakeholders and service providers.

580. One of LAO's important initiatives to date was the creation of a process to properly identify its Aboriginal clients. The ability to self-identify oneself as First Nation, Métis or Inuit captures the various Aboriginal people in Ontario and allows LAO to provide tailored and culturally-appropriate legal services. Additionally, LAO has up-to-date and reliable certificate statistics on the Aboriginal population it is serving. Since May 3, 2009, LAO has asked Aboriginal clients to self-identify and now knows that about 12% of all certificate clients are Aboriginal. From April 1, 2012 until March 31, 2013:

- LAO issued a total of 11,175 certificates to people who identified as Aboriginal, a total of 12% of all certificates issued in this time period. This is an increase of 2% from the 2011-2012 fiscal year;
- 12% of LAO's criminal certificates are being issued to Aboriginal clients;
- 13% of the certificates LAO issued for serious offences are for Aboriginal clients;
- 11% of LAO's criminal certificates issued to youth are for Aboriginal clients; and
- 9% of any *Child Family Services Act*-related certificates are issued to Aboriginal clients.

581. To contextualize this information, it should be noted that Aboriginal people make up only 2.8% of Ontario's population. Additionally, the regional differences are pronounced. Aboriginal people make up more than 55% of LAO criminal certificate clients in the Northern region and 3% of criminal certificate clients in the Greater Toronto Area. The Aboriginal self-identification question provides LAO with valuable information about female Aboriginal clients. For example:

- 70% of family law certificates issued to Aboriginal people are issued to Aboriginal women;
- 31.5% of civil law certificates issued to Aboriginal people are issued to Aboriginal women; and
- 24.2% of criminal law certificates issued to Aboriginal clients are issued to Aboriginal women.

582. This statistical information guides LAO in continuing to enhance services for Aboriginal clients.

583. LAO also serves a wide range of Aboriginal people and communities, many of which have distinct legal needs and rights. For example, the circumstances of Aboriginal people living in northern Ontario differ from those living in southern Ontario. Additionally, there are differences in communities that are located in the same region. Issues such as access to land and resources, geographic location, systemic inequities, addiction and poverty cause some Aboriginal communities to thrive, while others continue to struggle.

584. Targeted approaches are critical to appropriately addressing the legal needs of Aboriginal individuals and communities. Aboriginal Legal Services of Toronto and Nishnawbe-Aski Legal Services Corporation are examples of LAO-funded Aboriginal legal services that provide directed legal services, including poverty law and restorative justice programs in Ontario.

585. To facilitate access to justice for Aboriginal clients, LAO ensures that the private bar and duty counsel representing Aboriginal clients are competent and confident in making appropriate submissions on behalf of Aboriginal people in the criminal justice system. LAO requires that

criminal panel members that represent Aboriginal clients complete mandatory panel standards training such as being familiar with certain case law, legislation, and research memoranda and training materials produced by LAO. Additionally, LAO provides translation and interpretation services for all clients, including translation services in several First Nation languages.

586. Over the last 5 years, LAO has enhanced and transformed the services it provides to Aboriginal clients to deal with the over-representation of Aboriginal people in the justice system.

#### *Quebec*

587. Quebec provides a legal aid system that is accessible to low-income individuals, including Aboriginal women. In October 2013, Quebec announced an historic increase in the eligibility threshold for legal aid, which would give free access to legal aid to full-time minimum-wage workers. As of January 1, 2014, the increase will also provide free access to seniors living alone who rely primarily on the Guaranteed Income Supplement. Over a period of 1.5 years, an increase of more than 30% in the eligibility threshold for free legal aid is planned.

#### *New Brunswick*

588. For certain criminal matters, advice may be provided by Duty Counsel at the court house. Duty Counsel can explain the court process and provide informal advice about making a plea, asking for an adjournment and appearing at a bail hearing or at sentencing. The Duty Counsel lawyer may appear with the accused to enter a plea, but will not represent the accused or appear at trial. Anyone can access Duty Counsel for certain criminal matters right at the courthouse. There are no financial eligibility criteria for duty counsel services.

#### *Specialized Duty Counsel*

589. Legal Aid Duty Counsel participates in case conferences with multiple appearances connected to the Mental Health Court in Saint John. Duty Counsel also represents individuals who have been found unfit for trial and who appear periodically before Mental Health Review Boards.

#### *Criminal Trial Services*

590. If a person has been charged with a criminal offence and cannot afford a lawyer, that person may apply for legal aid. Generally, if there is a likelihood that conviction for this offence would result in jail time, and the eligibility criteria are met, Legal Aid will provide a lawyer (general counsel) to handle the case.

#### *Family Legal Aid Services*

591. Legal Aid also helps low income individuals deal with family law matters. Legal Aid gives priority to screening cases that are urgent or can directly benefit children.
592. Outside of the covered family matters, Legal Aid does not provide help with other kinds of legal problems such as real estate transactions, adoption, immigration law, or civil suits, such as people suing one another.
593. With respect to family matters, the New Brunswick Legal Aid Services Commission provides one session with duty counsel for all first appearances in the following situations:

- all respondents named in child protection matters brought to the court by the Minister of Social Development;
- all respondent matters brought before the court by applicants who are represented by New Brunswick Legal Aid Services Commission counsel;
- all matters put before the court by the Director of Support Enforcement;
- all applications for support made on behalf of the Minister of Social Development – Human Resources Division;
- all matters brought before the court on behalf of the Attorney General pursuant to the *Interjurisdictional Support Orders Act*; and
- all confirmation hearings initiated by an agent for the Attorney General pursuant to the *Divorce Act*.

594. Because of the summary nature of Duty Counsel assistance, the function of court duty counsel is limited to the following:

- advising unrepresented parties about their legal rights and obligations;
- reviewing court documents and assisting in preparing financial statements in limited circumstances; and
- attending court with unrepresented parties to request adjournments, obtain consent orders, assist in uncontested hearings regarding custody, access and support where issues are not complex and assist in default and “show cause” hearings.

#### *Family Legal Aid in New Brunswick*

595. For individuals who are financially eligible, the New Brunswick Legal Aid Services Commission may provide a lawyer to represent them in certain family law matters.

596. For example, in child protection proceedings, if a custodial parent is named as a Respondent in an Application made by the Minister of Social Development asking the court for a supervisory order, custody or permanent guardianship of the parent's child, the parent can apply for legal aid and may be represented if the financial eligibility criteria are met.

597. If the financial eligibility criteria are met, Legal Aid may also provide a family solicitor to assist a parent in obtaining child and/or spousal support. Family solicitors may also be able to help change (vary) a child support order if it was made under the *Family Services Act* and help a parent receiving child support respond to a motion by the other party to change it. Family solicitors may also handle applications for custody or access of eligible applicants.

#### *Nova Scotia*

598. In Nova Scotia, Aboriginal women have the same access as all others to legal aid provided that they are financially eligible to receive such legal aid, that legal aid provides representation in the area of law in which they are seeking representation and that there be legal merit to their case. Individuals are financially eligible to receive civil (i.e., family) legal aid or criminal legal aid if they qualify for income assistance benefits or are in an equivalent financial position.

*Prince Edward Island*

599. Eligibility for criminal legal aid is determined by a flexible means test. The test is conducted by Legal Aid staff who assess the seriousness of the legal proceedings and determine whether the applicant's present means would be sufficient to enable him or her to obtain private counsel, within the required time frame, if legal aid was refused. A scale based on income and family size is used as a guideline and applied flexibly depending on the seriousness and urgency of the applicant's legal situation. The scale which was last revised in 2008 is as follows:

<b>Legal Aid Eligibility Guidelines</b>			
<b>Gross (Before - Tax Income)</b>			
	<b>Annually</b>	<b>Monthly</b>	<b>Weekly</b>
Single	15,778.	1,314.	303.
Family of two	19,722.	1,644.	379.
Family of three	24,527.	2,044.	472.
Family of four	29,680.	2,473.	570.
More than four	add 3,800.	add 320.	add 75.

600. Eligibility for family legal aid is determined by a similar process but different considerations apply. The objective of family legal aid is to provide legal assistance to those who cannot afford the services of a lawyer in the most urgent family situations. Legal needs are prioritized on 2 levels. Level One, the highest priority, refers to cases where domestic violence has occurred or where the personal security of the applicant, or children in the applicant's care, is endangered in a family situation. Level Two describes the need for essential legal services in family situations where there has been no domestic violence or present threat to the security of the applicant or children in his or her care. In Level Two situations, applicants who require legal assistance to meet the needs of their dependent children are given priority. Legal needs in this category include: custody; access; financial support; and housing.

*Newfoundland and Labrador*

601. In Newfoundland and Labrador, Aboriginal women have the same access to legal aid as any other man or woman in the province. Legal Aid has the Community Services Worker programs located in Nain and Sheshatshiu which program provides outreach services. These workers provide information on Legal Aid and assist with the application process and other client support in preparation for the court process.

*Northwest Territories*

602. In the Northwest Territories, legal aid services are available to those who are eligible. The services are funded primarily by the government of the Northwest Territories, and partly by the federal



government. The Community Legal Outreach Service aims to ensure individuals in the communities receive quality legal aid services through various means.

603. Several communities have local court workers, most of whom are Aboriginal women, who assist individuals and families in obtaining fair, just, equitable, and culturally-sensitive treatment. These court workers act as a liaison between justice officials and Aboriginal people and communities.
604. Nearly half of the practicing lawyers in the Northwest Territories are women. 2 of 4 Territorial Court judges are women, and all 4 Supreme Court judges are women. The Chief Judges of both the appellate level courts are women.
605. The Northwest Territories Legal Services Board provides equal access to its programs and services, but depending on the nature of individual circumstances, priority is given to victims of violence. As part of phase II of the Northwest Territories' Family Violence Action Plan, funding has been allocated to emergency shelters for women fleeing abusive situations. The Northwest Territories have also taken measures to familiarize shelter workers with the legal mechanisms available to women who are victims of family violence.

### **QUESTION 13: IMPLEMENTATION OF EXISTING RECOMMENDATIONS**

*The Government indicates that many of the recommendations of the Coordinating Committee of Senior Officials (criminal) Missing Women Working Group in its report and recommendations on issues related to the high number of murdered and missing women in Canada, issued in January 2012, have been implemented at the federal and provincial / territorial levels.*

- a) *Please list the recommendations of the Coordinating Committee of Senior Officials (criminal) Missing Women Working Group report which have been implemented. In particular, please provide information on the implementation of the following recommendations: # 14, # 27, # 29, # 31 and # 44.*
- b) *Please list the recommendations of the report Highway of Tears Symposium 2006 which have been implemented and provide details on their implementation.*

#### **Implementation of Missing Women Working Group Report**

606. Federal Provincial Territorial Ministers Responsible for Justice approved the release of a report on the implementation of the Missing Women Working Group recommendations on November 14, 2013.<sup>86</sup> This report provides a summary of the work undertaken to implement the 52 recommendations included in the Missing Women Working Group's September 2010 summary report and January 2012 comprehensive report. Highlights of the report, as they relate to the recommendations which are the subject of the Committee's questions, are noted below.
607. With respect to the implementation of Recommendation #14, which is aimed at increasing the likelihood that disappearances of marginalized women will be reported in a timely fashion, the following are examples of measures that have been taken:

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<sup>86</sup> Missing Women Working Group - Implementation Plan Summary Report, online at: <http://www.scics.gc.ca/english/conferences.asp?a=viewdocument&id=2118>.

- NCMPUR personnel include an experienced Aboriginal police officer linked to the RCMP's National Aboriginal Policing Services in order to ensure a focus on the specific issue of missing Aboriginal persons;
- various websites have been developed by organizations that provide tools and information to families of missing persons, including by Project Kare (Alberta), the Saskatchewan Association of Chiefs of Police and the Native Women's Association of Canada;
- in some jurisdictions, the mandate of victim service units has been expanded to include families of missing persons (e.g., Manitoba Justice – Victim Service's Family Liaison, co-located with the Manitoba Integrated Task Force on Missing and Murdered Exploited Persons - Project Devote);
- Saskatchewan, Alberta and Manitoba have enacted provincial legislation that authorizes police access to personal information of persons reported missing to support police investigations. The Uniform Law Conference of Canada has been asked to develop uniform legislation for the consideration of all jurisdictions; and
- many police services are assigning specialized positions within police agencies to manage and investigate missing persons cases.

608. With respect to the implementation of Recommendations #27 and 29, examples of measures taken include the following:

- the NCMPUR is currently developing training for police investigators. This training will include online as well as in-class training. The first online components of the training have been made available in both official languages as of January 2013 through the Canadian Police Knowledge Network (CPKN). 3 additional courses, designed for Level 1 Investigators in the areas of missing children, missing adults and unidentified remains are being created at this time;
- the NCMPUR, in partnership with the Canadian Police College, also piloted an Advanced Missing Persons and Unidentified Remains Investigators Course in March 2012. Subsequent advanced courses will be planned once the remaining online training components have been developed;
- in consultation with investigators from Missing Persons and Unidentified Remains units in Canada, the NCMPUR has created a Best Practices document to facilitate a consistent approach to missing persons investigations across Canada. Published in the fall of 2013, this document is available to Canadian police services as well as to coroners and medical examiners in Canada;
- jurisdictions have taken steps to implement consistent police practices (e.g., the Saskatchewan Police Commission issued common policy and reporting forms to be followed by all police in Saskatchewan in 2013); and
- the NCMPUR is currently developing the national Missing Children/Persons and Unidentified Remains (MC/PUR) Database, the first national police database specifically for missing persons and unidentified remains. Specially trained investigative centres will be designated to access MC/PUR in order to provide Canadian police, medical examiners and chief coroners with more comprehensive information on these cases across jurisdictions. This database is expected to be operational in 2013.

609. With respect to the implementation of Recommendation #31, measures that have been taken include:

- the NCMPUR Best Practices document addresses areas that have proven problematic in terms of investigations or activities which are not necessarily applied consistently across Canada;
- in terms of “cold cases”, the NCMPUR is in the process of planning its next Multi-Disciplinary Multi-Agency Missing Persons Investigations Initiative (MMMII). Building on a pilot event held in March 2012 whereby subject matter experts and police investigators were brought together to identify avenues for specific cases where primary investigators felt they had exhausted all investigative avenues, the MMMII is planned for early 2014;
- Ontario currently employs a linked Major Case Management System and the RCMP is considering a compatible Major Case Management system.

610. Examples of measures taken to implement Recommendation #44 include the following:

- some jurisdictions, such as British Columbia, have implemented community capacity-building and community mobilization projects. Jurisdictions who are implementing this approach and evaluating it will be encouraged to continue to share findings;
- the NCMPUR Best Practices document emphasizes the importance of liaising with family and, where appropriate, community leaders. NCMPUR personnel include an experienced Aboriginal police officer linked to the RCMP's National Aboriginal Policing Services in order to ensure a focus on the specific issue of missing Aboriginal persons; and
- as noted previously, some jurisdictions have expanded the mandate of victims service units to include families of missing persons.

### *Saskatchewan*

611. Many of the recommendations of the Missing Women Working Group refer to previous work done by the Provincial Partnership Committee on Missing Persons.<sup>87</sup> Saskatchewan has taken various actions relating to missing persons.<sup>88</sup>

## **Implementation of Highway of Tears Recommendations**

612. In 2006, the RCMP in British Columbia's North District engaged all of their respective Detachment commanders and Traffic Units to ensure that RCMP personnel were obtaining particulars when observing people hitchhiking. Additionally, a communiqué was distributed by the North District reinforcing this message. The information was to be captured in records management systems (RMS).

613. Detachment Unit Supplements were developed for detachments along the highway[s] corridor. These supplements direct members, when operationally feasible, to make personal contact with individuals they may observe hitchhiking. Specifically, these individuals will be queried on the Canadian Police Information Centre (CPIC) with the location noted. Individuals will also be

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<sup>87</sup> For more information, please see: [www.justice.gov.sk.ca/MissingPersons](http://www.justice.gov.sk.ca/MissingPersons).

<sup>88</sup> For more information, please see: [www.scics.gc.ca/english/conferences.asp?a=view&id=3022&y=&m=](http://www.scics.gc.ca/english/conferences.asp?a=view&id=3022&y=&m=).

informed of the inherent dangers of hitchhiking. The British Columbia RMS added the capturing of names and locations of hitchhikers checked by the RCMP. In addition, CPIC will continue to be used to ensure there are no outstanding matters (e.g., missing person reports) with respect to the individuals being checked.

614. The North District has developed policy and included links to provincial legislation within policy as reference for members when querying individuals who refuse to identify themselves. This is intended to provide members with legal authority to stop, check, ask questions and if need be, demand identification. It is fully recognized that there are sensitivities associated with this practice and there is no intent to victimize individuals by way of charge. It has also been recommended that the policy be adopted as a Divisional policy.
615. The North District has directed all Detachments and Traffic Units to implement an Annual Performance Plan (APP) or Unit Performance Plan (UPP) initiative regarding hitchhiking. The intention is two-fold:
- to keep the issue operationally current/visible with a metric to track/analyze number of contacts/locations/time; and
  - to ensure an education/awareness initiative is established, ideally using a community-based approach whereby presenters are members of the general public, but coordination and leadership is provided by the Detachment/Unit members.
616. The notion of formally introducing the safety issues associated with hitchhiking into the School Liaison presentations at Detachments to engage the younger groups who are not at the age yet where they are moving around and using hitchhiking as their mode of transport is to be strongly considered. It is being practiced on an informal basis.
617. The information provided in the following paragraphs will describe steps taken by the RCMP to implement specific Highway of Tears recommendations.

***Recommendation: That the RCMP be provided the resources to increase their highway patrols during the hitchhiking season, more specifically increase these patrols along the sections of Highway 16 near First Nation communities, towns and cities***

618. In 2006, the RCMP in British Columbia implemented an Integrated Roadside Safety Unit. This allowed members to provide enhanced patrol capabilities along the Highway 16 corridor from Prince Rupert to Prince George and beyond. 2 members were stationed in Prince Rupert, 1 in Terrace and 5 in Prince George. This allowed for a more dedicated presence all along Highway 16 in concert with the existing Provincial Traffic positions and the General Duty Detachment component along the highway.

***Recommendation: That the Rural Crime Watch Program be expanded to include a Highway Watch component along the full length of the Highway of Tears***

619. Individual communities and Detachments are responsible for programs such as Rural Watch.

***Recommendation: That there be two contact persons appointed; one acting as the primary, and one the backup secondary, who would be given authorization by the RCMP to enact the Emergency Readiness Plan in each community, and coordinate pre-determined Emergency Readiness Team actions***

620. This authority rests with local authorities such as the mayor and council, the band chief and council, or the equivalent at a regional district level.
621. Each detachment has an Emergency Readiness Plan. In missing person reports or investigations, investigators fully consider the use of the Emergency Readiness Plan. Its use has to be based on intelligence-led information, investigative integrity and appropriateness in consideration of the totality of the situation.
622. However, local/regional resources such as Search and Rescue are also available to assist local detachments in missing person cases, without the need to activate an Emergency Readiness Plan.

***Recommendation: That the RCMP re-establish and maintain communication with each of the victims' families***

623. Very early in the creation of Project E-PANA, it was evident that some family members were feeling disconnected from the police investigation. The RCMP made a commitment to the family members to conduct regular meetings with them to provide updates on the status of the investigations.
624. Meetings average around 20 family members and have taken place in Prince George, Prince Rupert, Smithers, Terrace, and Surrey, where the family members were able to visit the E-PANA investigators and see their offices. These meetings are part of the RCMP's ongoing commitment to keep the families apprised of any development in the investigation and provide them with information about the status of its ongoing investigations.

***Recommendation: That a First Nation Advocate be provided to bridge the long-standing communications and awareness gap which exists between the RCMP and First Nation victim's families***

625. There are a number of First Nations advocates who are called upon frequently to assist in the implementation of this recommendation, not only in investigations pertaining to missing and murdered Aboriginal women, but more broadly on any other issue or concern.
626. The RCMP has worked with, and provided updates, to groups such as the Commanding Officer Aboriginal Advisory Committee (COAAC), Commissioner Aboriginal Advisory Committee, the Union of British Columbia Indian Chiefs, and the Assembly of First Nations.

***Recommendation: That the RCMP continue its official investigation, or inquiry, into the Aboriginal community's assertions on the actual number of missing women***

627. Project E-PANA began in the fall of 2005. It was created as a result of RCMP British Columbia Division's Criminal Operations ordering the review of a series of unsolved murders linked to Highway 16. The purpose of the review was to establish if a serial killer was responsible for a number of the homicides/missing persons and to identify if there were future viable investigational avenues.
628. The mandate of Project E-PANA is to review homicide investigations and disappearances of women who meet the following criteria:
- victims must be female; and

- victims must have been involved in a high-risk activity or in the sex trade and they must have been last seen or their body found within a mile or so from 3 specific British Columbia highways (Highway 16, Highway 97 or Highway 5).
629. Investigators have done an extensive review of each and every case to ensure that nothing has been missed, to identify investigative avenues and determine whether evidence previously tested could be forensically re-tested using new technology. Even though each and every case is active, investigators are focusing on those cases where the potential for losing evidence and threats to the public exists.
630. The numbers do fluctuate, but for the time being, a dedicated team of 70 people are working on these cases. This number includes current and retired police officers and civilian employees. There are sufficient resources to meet the demands of each and every case.
631. There were also a number of other recommendations that dealt with Aboriginal communities and programs in general:
- **Recommendation: That every First Nation Community, and First Nation families living in the towns and cities, located on or near Highway of Tears be targeted for a more intensive awareness and, prevention program; and**
  - **Recommendation: That Aboriginal Youth, who live in the Rural First Nations communities, and Urban Aboriginal Youth who live in the towns and cities on the Highway of Tears, be organized and listened to; and**
  - **Recommendation: That recreation and social activity programs for Rural First Nation community youth, and Urban Aboriginal youth, be increased in the First Nation communities, towns and cities located along the Highway of Tears.**
632. In 2008, the RCMP and Municipal Departments signed a Public Safety Protocol with First Nations in British Columbia. The Protocol stipulates that children, youth, women, men and elders require safe, secure and stable communities. The purpose of the Protocol is to ensure ongoing and continuous communication with First Nations to identify situations that could lead to a crisis and exchange information and advice on how to prevent such a crisis. Aboriginal Policing maintains regular and frequent contact with First Nations Leadership and regularly discusses potential flashpoints and matters of concerns, including investigations of interest such as missing persons. This Protocol has been extended to August 16, 2014.
633. Along Highway 16, the RCMP has numerous First Nations Policing (FNP) positions posted within detachments along Highway 16. These include Vanderhoof, Fort St. James, Burns Lake, Smithers, New Hazelton, Terrace, Kitimat, Nass Valley and Prince Rupert and total 24 Members. The First Nations Policing Program is intended to provide First Nations communities with community policing services that are culturally-sensitive and strategically responsive to particular needs of the First Nations Communities. It enhances the level of policing services normally provided under the Provincial Police Service Agreement. Under the Framework Agreement, these officers devote 100% of their general duty policing time to the specific needs of First Nations Communities, with most of their time spent within the First Nations jurisdiction. Consequently, these officers assist the First Nations in developing strategic approaches to problems or issues concerning their community.
634. For example in Hazelton, British Columbia, the RCMP detachment has, over the last few years, dealt with a high youth suicide rate and low community/youth involvement and has implemented

- initiatives to address these matters. The RCMP aircraft is used annually to fly disadvantaged First Nations youth from the Hazelton area to Vancouver for a Vancouver Canucks hockey game. The RCMP has also implemented a martial arts training program for the youth taught by 1 of the FNP members. The members also take part in various coaching activities for the youth.
635. Over the last 3 years, these detachments and FNP members have assisted local First Nations in organizing and participating in a week-long cultural canoe journey along the north coast and waterways known as "Gathering Strength". Typically members take disadvantaged youth with them along the way. The members, Elders, and youth spend time learning each other's cultures, strengthening relationships and building trust.
636. For over 10 years, Aboriginal Policing has worked closely with RCMP National Headquarters in maintaining and utilizing the *Aboriginal Summer Student Program*. Traditionally, British Columbia has had the most summer students every year, typically 7, and maintains a vigorous recruiting campaign for candidates. Summer students have come from, and been posted in, Prince George, Houston, New Hazelton, Kitimat, and Prince Rupert. Many of these members have gone on to become regular members.
637. For over 5 years now, Aboriginal Policing has joined the Department of Fisheries in participating in the *Dream Catchers Youth Conference*. It is hosted by DFO and assisted by the RCMP. The intent of the conference is to strengthen relationships with youth, develop and enrich their culture and educate them. The RCMP has sent FNP Members along with local disadvantaged youth assisted by local Elders. The RCMP has contributed by utilizing the RCMP aircraft to transport youth and Elders to the conference. Transport has been provided to youth from the North District along the Highway of Tears, such as Masset and New Hazelton.
638. In 2009, the RCMP's British Columbia Aboriginal Policing Gang Coordinator conducted outreach work to disadvantaged youth by providing and operating a Martial Arts training school in both Prince George and Vanderhoof - Ft. St James, at no cost to the youth. The purpose of the classes was to provide instruction to youth on the fine art of "Aikido", developing self-esteem, self-control, and discipline.
639. On review of the monthly First Nations Policing (FNP) reports, it is apparent the FNP Members in those detachments along the Highway of Tears do in fact continue to provide a dedicated culturally-responsive service to the First Nations in their area. The FNP Members have been assigned to specific Bands and regularly attend to meet with Band Councils. They also engage with the community members through their participation in local powwows, cultural ceremonies, feasts, Aboriginal Days, and also have given presentations to youth and Elders alike on issues such as internet safety, drug and alcohol awareness, and gang prevention. The FNP members regularly attend schools to interact with the youth.
640. In 2007, the RCMP's British Columbia Division Aboriginal Policing Services (APS) were the first to create a Recruiting Unit and a Gang Awareness Unit. Since that time, they have attended all detachments along the Highway of Tears, with the exception of Kitimat, have made presentations to Aboriginal Youth as well as Elders on the dangers, influences, and early warning signs of gang activity within their communities and have assisted in the development of strategies to address these issues. The British Columbia Division's APS have visited every community along the route in a vigorous campaign to recruit Aboriginal people to encourage them to see the RCMP as a viable career choice.

641. In 2010, the RCMP's British Columbia's Aboriginal Policing Services were part of a national pilot to implement the Aboriginal Shield Program in the country. The program is designed to enable Aboriginal youth to make informed healthy lifestyle choices regarding alcohol, drugs and positive alternatives. The program has been updated to reflect a greater diversity of Aboriginal cultures and to incorporate the latest facts about Canadian drug issues, including emerging social challenges such as those related to Aboriginal gangs. The program consists of 2 multi-lesson instruction booklets intended for youths in grades 5/6 and 7/8. A member was sent on a train-the-trainer's course with the objective of teaching the program in detachment areas along Highway 16.

#### *British Columbia*

642. British Columbia has been working for a number of years on many fronts to support greater safety and awareness along Highway 16, known as the Highway of Tears.

643. Project E-PANA, for example, is an ongoing RCMP investigation focused on determining if a serial killer or killers are responsible for murdering young women traveling along major highways in British Columbia. Approximately \$5 million per year is spent and \$20 million has been spent since 2005.

644. E-PANA investigators have held regular meetings with family members of missing and murdered women to update them on the progress of the cases. Between 2006 and 2010, the Province provided over \$150,000 to help implement the 33 recommendations from the Highway of Tears Symposium report. While not a comprehensive list, some of the funded initiatives include:

- a community co-ordinator position;
- six regional Aboriginal youth forums focusing on personal and community safety as well as violence prevention strategies relating to the Highway of Tears;
- workshops provided at 2 youth conferences to engage youth in awareness of the risks associated with hitch-hiking;
- a provincial forum in Prince George with local groups to address the sexual exploitation of children and youth; and
- the delivery of a youth safety toolkit.

645. In March 2012, British Columbia provided \$250,000 in civil forfeiture proceeds to fund a project to raise awareness and build capacity to address community safety and prevent violence against women along the Highway of Tears. This included the delivery of 7 community safety workshops to train Aboriginal leaders, educators, community agencies, the RCMP and victim services on the use of a violence prevention toolkit. They are also undertaking a media awareness campaign to educate the public about violence against women and to promote prevention.

646. In 2013, the Ministry of Transportation and Infrastructure assessed the transportation options currently available for communities in remote areas, including those along the Highway 16 corridor, and is now planning targeted consultations to identify and promote safe transportation options.

647. Before proceeding further on the implementation of specific Highway of Tears recommendations, there is a recognized need to review the Highway of Tears recommendations to ensure they are still relevant and reflect the current situation.



## QUESTION 14: BUDGET

*The experts were informed that the Government, on 29 October 2010, committed \$25 million over five years to a seven-step strategy to further improve the response of law enforcement agencies and the justice system to better meet the needs of Aboriginal women and girls and their families. Please provide a breakdown of how this amount was spent yearly from 2010 to 2013.*

648. The commitment of \$25 million over 5 years, for a 7-step strategy announced on October 29, 2010, was distributed as follows:

- 2010-2011 – Public Safety Canada:\$0.5 million; RCMP: \$2 million; and Justice Canada: \$2.5 million;
- 2011-2012 – Public Safety Canada:\$1 million; RCMP: \$2 million; and Justice Canada: \$2 million; and
- 2012-2013 – Public Safety Canada:\$1.4 million; RCMP: \$2 million; and Justice Canada: \$1.6 million.

649. The resources allocated to the Department of Justice Canada are being used to work with the provinces and territories and with Aboriginal organizations to:

- expand culturally-appropriate services for Aboriginal victims of crime and services for families of missing and murdered Aboriginal women and girls;
- support pilot projects to reduce the vulnerability of high-risk young Aboriginal women and girls;
- support awareness activities aimed at breaking inter-generational cycles of violence and abuse in many Aboriginal communities (such as the Canadian Red Cross program Walking the Prevention Circle and adding an Aboriginal component to the Canadian Centre for Child Protection); and
- prepare, with the Aboriginal Research Institute, a Compendium of Promising Practices to Reduce Violence and Improve Community Safety of Aboriginal Women in Canada to help Aboriginal communities, law enforcement, and justice partners build on existing experience in future work.<sup>89</sup>

650. In addition to the creation of the new RCMP National Centre for Missing Persons and Unidentified Remains in 2011, which includes 1 Aboriginal-specific resource, the resources allocated to the RCMP are being used to:

- create a new national website ([www.canadasmissing.ca](http://www.canadasmissing.ca)) to encourage the public to provide tips on cases. The website, which contains over 850 profiles, has also been used to launch 2 public awareness campaigns in 2013. One campaign revolved around the issue of missing children during the week leading up to National Missing Children's Day while the other campaign revolved around the issue of missing Aboriginal women and girls the week following the national day of vigil;
- compile investigative Best Practices for missing persons and unidentified remains cases. The investigative Best Practices document has been made available to Canadian police services as well as to coroners and medical examiners;

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<sup>89</sup> See <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/comp-recu/index.html>.

- develop training for missing persons and unidentified remains investigators;
- develop the national Missing Children/Persons and Unidentified Remains (MC/PUR) Database, the first national police database specifically for missing persons and unidentified remains cases. This activity is currently ongoing;
- provide improvements to the Canadian Police Information Centre (CPIC) database; and
- conduct the first Multi-disciplinary, Multi-agency Missing Persons Investigation Initiative to bring together subject-matter experts and investigators to examine specific cases with a view to identifying new or additional investigative avenues.

651. The resources allocated to Public Safety Canada are being used to support the development of community safety plans by Aboriginal communities to reduce violence and improve the safety of Aboriginal women within their communities. Highlights of work to date include:

- a resource guide for community development;
- community mobilization workshops in Aboriginal communities meant to enhance community readiness and capacity prior to the development of community safety plans; and
- initial development of several unique community safety plans, and pilot projects.

652. In fiscal year 2010-2011, Public Safety received a total of \$489,913, \$320,000 of which was in contribution funds. With part of these funds (\$230,000), the Department developed a draft resource guide for community development; supported a train-the-trainers session; and began delivering community development workshops in 15 Aboriginal communities, which were completed in 2011-2012. In addition, in 2010-2011 the Department engaged in an urban process to map best and promising practices for engaging Aboriginal urban populations in strategic integrated planning and supported a gathering to explore reserve to city migration.

653. The training and delivery of the community mobilization workshops are meant to enhance community readiness and capacity prior to the development of community safety plans. In 2011-2012, a subset of communities that had already been trained continued with the development of their unique community safety plans. For fiscal year 2011-2012, the Department received a total of \$966,376, \$480,000 of which was in contribution funds. Partners provided an additional \$65,000, and with these funds:

- support for the community development workshops continued (\$277,916);
- the urban process was completed (\$58,075);
- the development of a parallel French resource guide and a train-the-trainers session was supported (\$128,811);
- 2 pilot projects were started (\$41,236); and
- 1 community safety plan was supported (\$38,437).

654. In fiscal year 2012-2013, \$1.3 million was received and \$690,000 in contribution funds was distributed as follows:

- \$65,789 to complete the community development workshops (a total of 25 communities and 2 train-the-trainer workshops were held over the contribution agreement period);
- \$36,946 to complete the French process, including the delivery of a community mobilization workshop in a community;
- 2 pilot projects were supported (\$196,227);

- 6 community safety plans were supported (\$184,568);
- 1 urban project was supported (\$56,505);
- 2 circuit deliveries of the mobilisation process were supported in Saskatchewan and Alberta (\$136,960).

655. For fiscal year 2013-2014, \$1.3 million was received, \$690,000 in contribution funds. At this point (3<sup>rd</sup> quarter), 60% is committed toward:

- the continuation of the pilot projects (\$222,453);
- the completion of 2 safety plans (which began the previous year) and 1 circuit delivery of the mobilization process (\$41,786);
- 3 new safety plans (\$147,448); and
- 1 intensive community mobilization training in the Ring of Fire (\$49,000).

656. Public Safety Canada is currently developing other projects which should result in 1 or 2 urban workshops, 1 tribal gathering, other safety plans, and 1 facilitated discussion around the response of stakeholders to violence in Aboriginal communities.

## QUESTION 15: DATA

*Please indicate (and include in your answer the data regarding the Project Evenhanded in BC, Project E-Pana in Prince Georges, Project Devote and Discover in Winnipeg):*

- a) the number of missing Aboriginal women since 2003, compared to the number of missing non-Aboriginal women;*
- b) the number of murdered Aboriginal women per province and nationwide since 2003, compared to the number of murdered non-Aboriginal women;*
- c) the rate of solved cases for reported homicide cases and missing cases for Aboriginal in comparison with non-Aboriginal women;*
- d) the number of cases of missing Aboriginal women which are still pending, per province and nationwide;*
- e) the number of cases of murdered Aboriginal women which are still pending, per province and nationwide;*
- f) the average time for solving cases of missing Aboriginal women, compared to the time for solving cases of missing non-Aboriginal women since 2003, per province and nationwide;*
- g) the average time for solving cases of murdered Aboriginal women, compared to the time for solving cases of murdered non-Aboriginal women since 2003, per province and nationwide;*
- h) the rate including domestic violence and sexual assault, affecting Aboriginal women in comparison with non-Aboriginal women.*

657. The statistics requested by the Committee are not available in all Canadian jurisdictions. In the following paragraphs, Canada provides the Committee with the information available at this time regarding the Committee's questions.

658. Statistics Canada collects self-reported victimization data through the General Social Survey (GSS) on Victimization which captures the number of incidents of violence whether or not it was reported to the police. According to the 2009 GSS, the rate of self-reported violent victimization

against Aboriginal women (15 years and over) in the provinces was about 2.5 times higher than the rate for non-Aboriginal women (279 versus 106 per 1,000 population); these rates include both spousal and non-spousal violence. In addition Aboriginal people reported sexual assault incidents at a rate of 71 incidents per 1,000 people, compared to 23 per 1,000 non-Aboriginal people; however, due to small counts, it is not feasible to break incidents of sexual assaults down by gender. Tables containing some specific answers to the questions posed by the Committee are provided below.

## Female Victims of Homicide by Aboriginal status

**Table 1 Female victims of homicide by Aboriginal status, Canada, provinces and territories, 2003 to 2011**

Province and Territory	Aboriginal Status						Total	
	Aboriginal Females		Non-Aboriginal Females		Unknown/ Not Collected/ Not Reported <sup>1</sup>			
	Number of Victims	Percent of Victims	Number of Victims	Percent of Victims	Number of Victims	Percent of Victims	Number of Victims	Percent of Victims
Newfoundland and Labrador	0	0	6	30	14	70	20	100
Prince Edward Island	0	0	0	0	1	100	1	100
Nova Scotia	2	5	11	28	26	67	39	100
New Brunswick	0	0	7	26	20	74	27	100
Quebec	17	6	205	77	45	17	267	100
Ontario	25	5	283	58	177	36	485	100
Manitoba	24	23	22	21	58	56	104	100
Saskatchewan	23	33	13	19	33	48	69	100
Alberta	22	11	70	34	113	55	205	100
British Columbia	3	1	37	15	212	84	252	100
Yukon	0	0	0	0	3	100	3	100
Northwest Territories	0	0	0	0	7	100	7	100
Nunavut	0	0	0	0	17	100	17	100
Canada	116	8	654	44	726	49	1,496	100

Notes: Approximately half of police services, including the Royal Canadian Mounted Police, do not report information on Aboriginal identity of homicide victims.

1. Includes all female homicide victims where the Aboriginal status was recorded as unknown, unreported or refusal to collect by the police service.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

## Female victims of homicide by Aboriginal status and clearance status of incident

**Table 2 Female victims of homicide by Aboriginal status and clearance status of incident, Canada, 2003 to 2011**

Aboriginal Status of Victim	Clearance Status								Total	
	Charge (Laid or Recommended)		Suicide of Chargeable Suspect		Cleared Otherwise <sup>1</sup>		Not Cleared			
	Number of Victims	Percent of Homicides	Number of Victims	Percent of Homicides	Number of Victims	Percent of Homicides	Number of Victims	Percent of Homicides	Number of Victims	Percent of Homicides
Aboriginal Females	91	78	3	3	2	2	20	17	116	100
Non-Aboriginal Females	455	70	113	17	16	2	70	11	654	100
Unknown/Not Collected/Not Reported <sup>2</sup>	465	64	122	17	11	2	128	18	726	100
<b>Total</b>	<b>1,011</b>	<b>68</b>	<b>238</b>	<b>16</b>	<b>29</b>	<b>2</b>	<b>218</b>	<b>15</b>	<b>1,496</b>	<b>100</b>

**Notes:** Approximately half of police services, including the Royal Canadian Mounted Police, do not report information on Aboriginal identity of homicide victims.

1. Includes homicide incidents not cleared by laying or recommending charges and not cleared by the suicide of one or more of the accused, but there is: (1) enough evidence to lay a homicide charge against one or more accused; and, (2) the reason the charge is not laid or recommended is one of the following:

- a. police discretion: the police exercise discretion and decline to lay a charge.
- b. child: the accused person is under the age of 12 at the time of the offence.
- c. mental illness: the accused person is committed to a mental hospital for an extended period with little likelihood of release.
- d. witness incapacity: charges are not laid because the complainant or a key witness is dead or is unable to testify.
- e. death: the accused person dies before charges are laid or recommended.
- f. immunity: the accused person has diplomatic immunity.
- g. extradition: the accused person cannot be extradited.
- h. witness refusal: the accused person is known and there is sufficient evidence to charge, but the key witness refuses to provide information or testify, thereby eliminating all hope of conviction.
- i. diversion: the accused person is diverted to a community or alternative justice forum or process in lieu of laying charges.
- j. YCJA referral: the accused is a young person (under 18) pursuant to the Youth Criminal Justice Act and is referred to a screening agency that decides not to charge or the youth is returned to custody.

2. Includes all female homicide victims where the Aboriginal status was recorded as unknown, unreported or refusal to collect by the police service.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

## Pending homicides of Aboriginal women

**Table 3 Female victims of homicide by clearance status and Aboriginal status, Canada, provinces and territories, 2003 to 2011<sup>1</sup>**

Province and Territory	Aboriginal Status									Total		
	Aboriginal Females			Non-Aboriginal Females			Unknown/ Not Collected/ Not Reported <sup>2</sup>					
	Cleared <sup>1</sup>	Not Cleared	Clearance Rate (Percent)	Cleared <sup>1</sup>	Not Cleared	Clearance Rate (Percent)	Cleared <sup>1</sup>	Not Cleared	Clearance Rate (Percent)	Cleared <sup>1</sup>	Not Cleared	Clearance Rate (Percent)
Newfoundland and Labrador	0	0	...	5	1	83.3	13	1	92.9	18	2	90.0
Prince Edward Island	0	0	...	0	0	...	1	0	100.0	1	0	100.0
Nova Scotia	1	1	50.0	8	3	72.7	22	4	84.6	31	8	79.5
New Brunswick	0	0	...	6	1	85.7	19	1	95.0	25	2	92.6
Quebec	14	3	82.4	186	19	90.7	39	6	86.7	239	28	89.5
Ontario	23	2	92.0	261	22	92.2	155	22	87.6	439	46	90.5
Manitoba	19	5	79.2	20	2	90.9	46	12	79.3	85	19	81.7
Saskatchewan	21	2	91.3	12	1	92.3	27	6	81.8	60	9	87.0
Alberta	16	6	72.7	61	9	87.1	88	25	77.9	165	40	80.5
British Columbia	2	1	66.7	25	12	67.6	163	49	76.9	190	62	75.4
Yukon	0	0	...	0	0	...	2	1	66.7	2	1	66.7
Northwest Territories	0	0	...	0	0	...	7	0	100.0	7	0	100.0
Nunavut	0	0	...	0	0	...	16	1	94.1	16	1	94.1
Canada	96	20	82.8	584	70	89.3	598	128	82.4	1,278	218	85.4

... not applicable

**Notes:** Approximately half of police services, including the Royal Canadian Mounted Police, do not report information on Aboriginal identity of homicide victims.

1. Incidents cleared include those cleared by charge (laid or recommended), suicide of chargeable suspect, or cleared otherwise.
2. Includes all female homicide victims where the Aboriginal status was recorded as unknown, unreported or refusal to collect by the police service.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

### Female victims of homicide, by Aboriginal status and days to clear homicide

**Table 4 Female victims of homicide, by Aboriginal status and days to clear homicide, Canada, 2003 to 2011**

Days to Clear	Aboriginal Status					
	Aboriginal Females		Non-Aboriginal Females		Unknown/ Not Collected/ Not Reported <sup>1</sup>	
	Number of Victims	Percent of Cleared Homicides	Number of Victims	Percent of Cleared Homicides	Number of Victims	Percent of Cleared Homicides
0-7	62	64.6	403	69.0	409	68.4
8-60	18	18.8	89	15.2	70	11.7
61-365	11	11.5	66	11.3	67	11.2
366+	5	5.2	26	4.5	52	8.7
Total Cleared <sup>2</sup>	96	100.0	584	100.0	598	100.0

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

**Notes:** The number of days to clear (i.e. solve) the homicide is calculated based on the number of days between the date the homicide occurred and the date it was cleared by police. The Homicide Survey does not collect the date the incident was reported to police. As a result, data appearing in this table may include a number of cases in which police did not become aware of the homicide until significantly after it occurred. Approximately half of police services, including the Royal Canadian Mounted Police, do not report information on Aboriginal identity of homicide victims. Percentages may not add up to 100 due to rounding.

1. Includes all female homicide victims where the Aboriginal status was recorded as unknown, unreported or refusal to collect by the police service.
2. Incidents cleared include those cleared by charge (laid or recommended), suicide of chargeable suspect, or cleared otherwise.



659. Police-reported administrative surveys, which include the Homicide Survey as well as the Incident-based Uniform Crime Reporting Survey, collect data from police services on all criminal incidents that come to the attention of, and are substantiated by, police.
660. Data integrity is reliant on self-identification and a police officer's verification and perception of visible characteristics and traits and/or the geographical location of the incident. Since 2006, the RCMP's records management systems have been upgraded to provide for the collection of race-related data reflecting the diversity of Canadian society. RCMP national policies are currently being enhanced to include a mandatory requirement for the inclusion of race-related data in cases of missing persons and homicides.
661. To address the absence of reliable statistics on the exact number of missing and murdered Aboriginal women and girls, RCMP's National Aboriginal Policing Services led the RCMP in a file review of missing and murdered Aboriginal women and girls across RCMP jurisdictions in February 2013, the results of which were discussed in detail in Canada's submission, dated September 4, 2013. The ability to identify victims as Aboriginal is not always captured accurately and, therefore, the numbers obtained are not definitive.
662. The RCMP is only one of over 200 police agencies in Canada. The RCMP National Aboriginal Policing Section is currently conducting additional research that will identify the common risk factors linked to missing and murdered Aboriginal women. This work is ongoing and will be available in early 2014. Once completed, the RCMP will be able to answer most of the data questions posed by the Committee. Furthermore, identifying trends in such areas as the relationship to the perpetrator and the age of the victim will enable the RCMP to identify, develop and deliver prevention programs that will have the most benefit to communities. Research and analysis by the RCMP is ongoing, encompassing both RCMP and non-RCMP jurisdictions over the period from 1980-2012. This comprehensive work using multiple data sources will provide further insight into the scope of missing and murdered Aboriginal women within a broader Canadian context.
663. To date, the following data has been gathered. Between the years 2006-2012:
- there have been 117 Aboriginal female homicides which occurred within RCMP jurisdictions. 96 of these homicides have been solved to date;
  - the RCMP solve rate for Aboriginal female homicides for the period of 2006-2012 is 82%;
  - the RCMP solve rate for non-Aboriginal female homicides for the period of 2006-2012 is 88%;
  - there has been a total of 325 female homicides, all races, which occurred in RCMP jurisdictions;
  - Aboriginal female homicide victims represent 36% of all female homicides within RCMP jurisdictions. New data from the National Household Survey (NHS) show that 1,400,685 people had an Aboriginal identity in 2011, representing 4.3% of the total Canadian population; and
  - RCMP statistics represent approximately 30% of the total female homicides in Canada for this time period.
664. The RCMP is a bias-free organization. All reported cases of missing and murdered persons are promptly and thoroughly investigated, within RCMP jurisdiction, regardless of sex, ethnicity, background or lifestyle, until the person is located. Missing persons investigations are not

considered homicides unless there is evidence to indicate that foul play is suspected. Accordingly, resources and investigational tools are assigned based on the circumstances of each case. Both types of investigations remain active until solved.

665. Investigations are a cooperative effort between the RCMP, the medical examiner, the coroner, the pathologist, other law enforcement services and other federal, provincial, territorial or municipal agencies. Suspicious deaths and homicides are investigated using the principles of major case management (MCM). MCM is a methodology for managing major cases that provides accountability, clear goals and objectives, planning, allocation of resources and control over the speed, flow, and direction of the investigation. All RCMP homicide investigations remain active until a resolution has been determined based on evidence.

*Saskatchewan*

666. Police agencies in Saskatchewan have jurisdiction over Missing Persons cases. For several years, all police services have been working together to share information on historical cases, which includes missing persons and cases of found human remains. This information is now being shared with the public in hopes of generating more tips to find missing persons, and can be found on the Saskatchewan Association of Chiefs of Police (SACP) website.<sup>90</sup> According to the SACP website, of the 30 missing women in Saskatchewan, 17 are Aboriginal. Additional information is provided in the draft FPT framework to address the victimization of Aboriginal women and girls.<sup>91</sup>

*Quebec*<sup>92</sup>

667. At the Sûreté du Québec, the number of missing Aboriginal and non-Aboriginal women since 2009 is, respectively, 936 and 7,292.<sup>93</sup>
668. The following table provides a breakdown of the number of murdered Aboriginal women in Quebec since 2003, as compared to the number of murdered non-Aboriginal women:

**Female homicide victims, based on the distinction between Aboriginal and non-Aboriginal, Quebec, 2003 to 2012**

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>Non-aboriginal women</b>	29	43	28	24	25	31	25	18	29	32
<b>Aboriginal women</b>	3	3	2	2	1	0	2	1	0	1
<b>Total of female victims</b>	32	46	30	26	26	31	27	19	29	33

Source: Public Safety Ministry. Data from the Uniform Crime Reporting Incident-based Survey (UCR2), November 2013

<sup>90</sup> For more information, please see: [www.sacp.ca](http://www.sacp.ca).

<sup>91</sup> For more information, please see: <http://www.scics.gc.ca/english/Conferences.asp?a=viewdocument&id=2119>.

<sup>92</sup> With the exception of the answer to the second question, the data collected is from the Sûreté du Québec only, not from all the police forces in Quebec.

<sup>93</sup> Since cases involving missing people are purged from the system 5 years after they are closed, the data for the period from 2003 to 2008 was not considered. That data would have been significantly understated. It should also be noted that kidnapping cases are not included in the missing persons category.

669. With respect to the rate of solved cases for reported homicide cases and missing Aboriginal and non-Aboriginal women:
- between 2008 and 2012 at the Sûreté du Québec, the average rate for solving reported homicides of Aboriginal women was 80%. Between 2008 and 2012 at the Sûreté du Québec, the average rate for solving reported homicides of non-Aboriginal women was 74%; and
  - between 2009 and 2012 at the Sûreté du Québec, the average rate for solving reported cases of missing Aboriginal women was 99.9%.<sup>94</sup> Between 2009 and 2012 at the Sûreté du Québec, the average rate for solving reported cases of missing non-Aboriginal women was 99.9%.<sup>95</sup>
670. With respect to the number of cases of missing Aboriginal women still pending, according to data from the Canadian Police Information Centre (CPIC), 4 missing Aboriginal women cases have still not been solved at the Sûreté du Québec.
671. With respect to the average time for solving cases of missing Aboriginal women, compared to the time for solving cases of missing non-Aboriginal women since 2003, at the Sûreté du Québec, the average time for solving cases of missing Aboriginal and non-Aboriginal women from 2009 to 2013<sup>96</sup> was, respectively, 5 days and 4 days.
672. With respect to the average time for solving cases of murdered Aboriginal women, compared to the time for solving cases of murdered non-Aboriginal women since 2003, at the Sûreté du Québec, the average time for solving homicide cases of Aboriginal and non-Aboriginal women from 2003 to 2013<sup>97</sup> was, respectively, 17 days and 98 days.
673. Finally, with respect to the rate of violence against Aboriginal women, compared to non-Aboriginal women, between 2007 and 2012 at the Sûreté du Québec, on average, 4.7% of cases of violent crimes against women involved Aboriginal women.

#### *Yukon*

674. As a result of the significant research conducted by the YSIS Project and subsequent, ongoing research from the RCMP, 38 known cases of missing or murdered Aboriginal women were recorded in the Yukon, which includes cases spanning from the 1960s to the present. Yukon does not have access to the YSIS database and therefore cannot present cases by date. YSIS collected information from a variety of sources, including information from public documents, information provided by friends, family members or community members.
675. Yukon does not have information available to compare the rates of missing and murdered Aboriginal women to the rates of missing and murdered non-Aboriginal women.
676. Any information provided to Sisters in Spirit was recorded and accepted no matter how small or limited in detail it was. Even if the information consisted only of part of a name, the details were

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<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.* The data was extracted on November 20, 2013.

<sup>97</sup> The data was extracted on November 20, 2013.

taken and a list of names was compiled from the information that the project gathered. Therefore, the circumstances and information available about these cases ranges from as little as a last name to full investigations that include convictions and sentences.

677. It should be noted that the project was originally intended to gather and honour the stories of missing and murdered Aboriginal women from their families and communities, not to judge the validity of these accounts. As a result, all stories that were shared during the YSIS project have been included, regardless of the availability of supporting information. However, where supplementary information was available, a number of cases were later corroborated with other information sources, including public documents such as court decisions and newspaper clippings.

#### Yukon Case Summary

678. The data collected throughout the YSIS project was shared with the local RCMP as part of a collaborative, community effort to honour these women. Since this information has been shared with the RCMP, a Corporal was assigned as a special investigator to cross-reference YSIS case information with existing police files. This collaboration with the RCMP has resulted in the following case summary, which includes cases from the 1960s to the present:

- 1 of the missing persons left the community of her own accord; she was later located by her family and is now home with them;
- 11 involved full police investigations and subsequent court proceedings;
- 5 were deemed investigations pursuant to the *Coroners Act*. This means the cause of death was investigated and determined by the coroner's investigation to be non-suspicious. For example an accidental death due to drowning, natural causes or suicide. These cases continue to be included in the total reporting for a variety of reasons;
- 5 of the names are women who continue to be on police records as missing persons. These files are still open police investigations and the oldest missing persons file dates back as far as 1973.
  - 2 of these women were not reported to the police as missing until more than a year after they were last heard from.
  - The first of these women was last known to be living in Alaska and family had not heard from her in some time and so they reported her missing. This case is an open file with both Alaska and Yukon police agencies.
  - In the second case, the family believed the woman to be traveling and so did not report her missing until some time had passed.
  - The third case indicates the woman was last seen near water and was believed to have a medical condition that may have been a factor in her disappearance.
  - 2 additional cases involve women presumed drowned – 1 after a boat with several people on board flipped, and the other after jumping into the water off of a boat. In both cases, the bodies were never recovered and the files remain open.
- The remains of 1 woman were found in northern British Columbia, but the cause of her death is unknown. This death is being investigated by RCMP in British Columbia.
- 1 woman died following a hit-and-run collision in British Columbia. This crime is also unsolved, and remains an open investigation in British Columbia.
- There are 13 names, which, because of the limited details provided to YSIS, require more information from the community:

- In 1 case, a last name was provided but no other details were available. The lack of detail will make it difficult to determine the stories of these women, but it is hoped that this information can be obtained and that the story of all women on the list will be known and told.
- The final case provided by Yukon Sisters in Spirit concerns the remains of a girl found in 2007, a few months after she was reported missing. The RCMP has an ongoing criminal investigation into the circumstances of her death and full-time police resources are dedicated to learning her story. This investigation is of ongoing interest to the community and anyone with information is encouraged to contact the RCMP.

#### *Northwest Territories*

679. According to information from RCMP "G" Division, as of October 2013, there were 73 missing/unsolved homicide cases/investigations open in the Northwest Territories. Of these, 63 were listed as "historical" missing person investigations. Of the 63 "historical" investigations, 7 have been deemed either suspicious or as potentially involving foul play. Of these 7, 4 are Aboriginal females and 3 are Aboriginal males.

### **QUESTION 16: HITCHHIKING**

*What are the measures taken to provide an alternative to hitchhiking, such as providing adequate Government-funded public transportation for Aboriginal communities living in remote areas?*

680. A comprehensive study into hitchhiking was initiated in September 2012 by the University of Northern British Columbia and the RCMP in British Columbia. The general purpose and intent of the study is to geo-map the hitchhiking "hot spots", where a GPS system is being utilized on-board several commercial carriers along both Highway 16 and Highway 97. When a hitchhiker is observed, the driver simply presses the appropriate button on the device and the device logs the time, date and GPS coordinates of the observation. The driver has the choice of selecting Male, Female, Group or unknown. To supplement this, RCMP officers have been tasked with creating proactive checks of all hitchhikers observed by the officers on patrol, provided they are able to do so. A booklet for police use was developed and data collected is provided to the study group and added to the mapping software. The details are ultimately used to examine who is engaging in this behaviour and for what reasons. All personal data and identifiers are removed before the information is provided to the study group. When the police check hitchhikers roadside, a package of the University of Northern British Columbia study information is provided to them. The information includes an invitation to participate in an online or telephone survey with one of the study principals (not the police) to relate their experiences and stories around hitchhiking.
681. It is anticipated this study will continue for 2 years, with updates provided to the public on a regular basis, such that it remains in the public's mind. The final report will provide clear hard data to support a number of the anecdotal comments from the 2006 Symposium. It is hoped that during the interviews, the RCMP will succeed in convincing individuals to engage with the police and tell their stories, which may advance the ongoing investigations taking place.
682. In addition, the police have conducted public awareness through the media, focussing primarily on the University of Northern British Columbia study and also on safety and risk awareness for those who engage in hitchhiking.

683. Further, in 2013, the RCMP's National Aboriginal Policing Services and NWAC partnered on a hitchhiking poster initiative to reduce incidents of missing and, in some instances, murdered Aboriginal women and girls. The poster does not encourage hitchhiking, but is designed to enhance the safety of individuals who choose to hitchhike. It was distributed through the National Aboriginal Policing Services across Canada.

*British Columbia*

684. The British Columbia Ministry of Transportation and Infrastructure has assessed the transportation options currently available for communities in remote areas, including those along the Highway 16 corridor, and is planning targeted consultations to identify and promote safe transportation options.

*Quebec*

685. Quebec provides financial assistance to Aboriginal communities, which have implemented a public transportation system.