MASS CASUALTY COMMISSION
COMMISSION DES PERTES MASSIVES

The Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty
MassCasualtyCommission.ca

Commission fédérale-provinciale sur les événements d'avril 2020 en Nouvelle-Écosse
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Public Hearing

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Commissioners / Commissaires

The Honourable / L'honorable J. Michael MacDonald,
Chair / Président

Leanne J. Fitch (Ret. Police Chief, M.O.M)

Dr. Kim Stanton

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Halifax, Nova Scotia

--- Upon commencing on Thursday, July 21, 2022 at 9:35 a.m.

COMMISSIONER FITCH: Bonjour et bienvenue. Hello and welcome. We join you from Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq.

Please join us in remembering those whose lives were taken, those who were harmed, their families, and all those affected by the April 2020 mass casualty in Nova Scotia.

(SHORT PAUSE)

COMMISSIONER FITCH: Today's roundtable discussion will continue our discussion on gender-based and intimate partner violence issues in our mandate, with a particular focus on personal and community responses.

We will hear about social and material conditions related to gender-based violence; barriers to community-based interventions and support; support services that are available to women; and best practices for personal and community responses.

I will now ask Krista Smith from our Research and Policy Team to introduce the roundtable.

Krista? Thank you.

MS. KRISTA SMITH: Thank you, Commissioner Fitch.

My name's Krista Smith with the Research and Policy Team, and I'm going to pass it over to Lorraine Whitman to open our roundtable this morning.

[OPENING PRAYER GIVEN BY MS. LORRAINE WHITMAN]

---ROUNDTABLE: ROUNDTABLE: IPV, GBV AND FAMILY VIOLENCE: PERSONAL AND COMMUNITY RESPONSES

--- FACILITATED BY MS. KRISTA SMITH:

MS. KRISTA SMITH: Thank you so much, Lorraine.

Today's roundtables will focus on the personal and community

responses to gender-based and intimate partner violence.

As with every roundtable, we will not focus on the facts or evidence related to the mass casualty of April 18th and 19th, 2020; this work is being done in other aspects of the Commission's process. Instead, as enumerated in the Commission's mandate, we will be focused on examining aspects of the broader societal circumstances in which the mass casualty occurred, including the theme that we'll be exploring today, which is how women function within Canadian society and its systems when they are experiencing gender-based or family violence.

At this roundtable, we will be exploring the following core themes: What do we know about social and material conditions that nurture and sustain gender-based violence; how can these conditions be addressed or transformed? What are the barriers to community-based interventions that -- and support, particularly in the rural context, and how can these barriers be addressed? What support services are available to women who experience these forms of violence? And what works; what are some of the promising and best practices with respect to personal and community responses to gender-based and intimate partner violence?

As with every roundtable discussion, the intention is to provide the Commissioners and the public with a deeper understanding of the core themes so that everyone is well-positioned to engage in conversation in Phase 3 about lessons learned and potential recommendations.

As facilitator of this roundtable, I will be directing the questions, asking follow ups, and moderating dialogue. The Commissioners may choose to pose questions or ask for clarification at any point.

Roundtable discussions form part of the Commission record. They're being live streamed now, and will be publicly available on the Commission's website. I would ask those of you who are participating in this roundtable today to please to speak slowly for the benefit of our accessibility partners.

Before we proceed, I would like to pause and acknowledge that

much of the work underlying today's roundtable discussion was led by my colleague, Serwaah Frimpong.

We're very, very fortunate to be joined today by a group of women who are experts and front-line practitioners, and who have dedicated their lives to understanding these issues. I'd just like to begin today by asking each of you to introduce yourselves and tell us a little bit about your work.

Rachel, we'll start with you.

DR. RACHEL ZELLARS: Thank you. My name is Rachel Zellars. I am a lawyer, a senior research fellow, and professor at St. Mary's University here in beautiful Halifax.

My research falls into two primary areas: First, historical research on the history of Black peoples in the Maritimes, beginning in the 18th Century, how Black people came to be here, what kind of struggles for freedom they obtained. And secondly, my second area of research focusses on the impact of gender-based violence in the lives of Black women. And in this second area, my work for the last two decades has overwhelmingly paid attention to the relationship between structural violence, which I know we'll talk about a lot today, and interpersonal and gender-based violence, as well as the ways that history serves as a foundation for understanding this relationship. Thank you.

MS. KRISTA SMITH: Thank you, Rachel.

Lorraine?

MS. LORRAINE WHITMAN: Wela'lin. Taluisi Lorraine Whitman, Grandmother White Sea Turtle, previous President of Native Women Association of Canada, and former President of the Nova Scotia Native Women Association of Canada.

I come to you from a large family of 14. My grandfather had been Chief of Bear River First Nation Community. My father, the Chief of Glooscap First Nation Community. My younger brother is now Chief of First Nation Community and

Glooscap.

I had been a councillor for 17 years at Glooscap First Nation, which I worked with our youth. My portfolio was also education, as well as the health component because these are -- the important parts without our health it makes it difficult for us to continue on. But at the same time, the work that I have done over 30 years at Glooscap, and before that, I've worked with the Indigenous people across Mi'kma'ki, known as Nova Scotia or Nouvelle-Écosse.

So with that, I continue doing the work, whether it be volunteer or paid positions. I lot of my work with the national Native Women Association dealt with missing and murdered Indigenous women and girls and two-spirited, as well as our gender-diverse community. You know, the violence, it's tragedy what's happening, and we really need to be able to put forth... I also have worked with the TRC, the Truth and Reconciliation Commission, and we've also -- you know, it's been opened up the remains of our children, and we need to be able to look at those, and to be able to understand the history of what -- you know, of what's going through today and why, you know, various instances and crisis are occurring.

So with that, I do thank you, Wela'lin, for having me on this board.

MS. KRISTA SMITH: Thank you, Lorraine.

Janet?

PROF. JANET MOSHER: Thank you very much for the opportunity to participate in this really important discussion today. I am a Professor of Law at Osgoode Hall Law School in Toronto, where I also co-direct a clinical legal education program which is designed to provide the foundations and knowledge and skills and sensibilities that future lawyers need in order to be able to provide really competent representation for survivors of gender-based violence. And not only to provide that representation to individual survivors, but to also understand the ways in which various systems and structures, including legal systems and structures, sometimes contribute to harm, and so to understand also what might be some of the

strategies to address those systemic and structural problems that contribute to gender-based violence.

My research over a long period of time has focussed on gender-based violence, early research on the intersections with poverty, so focussing on the experiences of women in receipt of social assistance who were survivors of gender-based violence. More recently, work that focusses on the experiences of immigrant and refugee women, who experience many of the same struggles, barriers, and obstacles as other women, but who also experience additional layers of complexity.

I'll talk more about this later, but I'm also currently involved in a research project that seeks to understand the access to justice problems that survivors encounter, especially at the intersections of different areas of law. So many, many women have to simultaneously navigate, not just the criminal justice system, but also the family law system, perhaps the child welfare system, perhaps immigration, and there are many, many complexities that arise at those intersections, and so many women have to navigate those without legal representation.

So I know we'll talk more about those issues, but that's my research background. Thank you.

MS. KRISTA SMITH: Thank you, Janet.

Pam?

MS. PAMELA CROSS: Good morning, and thank you very much for this opportunity to join today's conversation. My name's Pamela Cross. I am a feminist lawyer, and I have worked on the issue of gender-based violence, in particular, intimate partner violence and sexual violence, for about 30 years.

I'm a Legal Director at Luke's Place in Durham Region, Ontario. We provide legal supports and services to women who have left relationships where they were being subjected to abuse, and who are involved with the family law system. We also work on systemic issues through research, knowledge mobilisation, and advocacy for system reform, in particular, law reform.

One of our programs, and I'll talk more about this later on this morning, is to provide training and support to Ontario's Family Court support workers. The reason I'm mentioning it in my introduction is because much of that work is working with these workers in small communities and rural communities across Ontario. And through that work, I've had the opportunity to learn a great deal about what IPV looks like in rural communities and what the barriers are for women who want to leave, including barriers when they need to access family law. We've conducted community-engaged research in those communities, and that led to a report we published a number of years ago, and updated last year, called Going the Distance.

Also, I think particularly relevant to my participation here this morning, is the work I've been doing for about 15 years in a rural community in eastern Ontario called Renfrew County. As many people here will know, in 2015, that county was devastated by a triple femicide, and I've worked both before and since that incident with women's organisations and with the community there.

An inquest was just held in the month of June in which I participated. One of the roles I played was to conduct community consultations prior to the inquest so that we could ensure that voices of the community were brought into that more formal process. I asked participants to ask two questions in those consultations: What impact did the murders have on you? and What changes do you think need to happen to prevent similar deaths in the future? The jury presented the inquest with 86 outstanding recommendations, a number of them had been presented by community members rather than by the experts.

And for me, it was a really important opportunity to see the melding of those of us who do this work as our jobs, as our mission, as our passion and those who simply experience it by virtue of where they live when something really terrible happens there. So I'll probably be speaking from time to time this morning about that inquest and about some of the recommendations. Thank you very much.

MS. KRISTA SMITH: Thank you, Pam.

Emma?

MS. EMMA HALPERN: Good morning. Thank you for this incredible opportunity to be here with this fantastic group of experts and researchers. This is a tremendous honour for me, and so I just appreciate being in this space and in community with the folks around the table.

My name is Emma Halpern. I'm the Executive Director and Manager of Legal Services with the Elizabeth Fry Society of mainland Nova Scotia. We're located in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq, and we are one of 24 local Elizabeth Frys. And I know that the Commissioners had the privilege of hearing from our national director yesterday about our work.

We -- as a local E Fry, we work on the ground in community every day with women and girls and gender-diverse folks who experience that intersection of criminalization and victimization, which I know we've heard a lot about over the last couple of days. We focus on three core areas, and obviously, I'll talk a little bit more about this as we go through this morning, but we work on personal development, which is focussed on personal empowerment but also in community, and building community, and building relationships of care and concern, because in our work, that is the thing that we see that is often most missing in the lives of folks that we work with. And I'll talk a lot about love and care today because I often think that is missing in the discussion when we talk about the horrors of victimization and gender-based violence.

We also work in very pragmatic ways on housing. We do a lot of housing initiatives, and I'll speak a bit about that as well, and the gaps. As anyone who has spent any time in this province knows, one of the most significant crisis facing our community right now is the lack of housing. We are in a significant housing crisis right now in Nova Scotia and that is impacting survivors every single day.

And finally, and this is the work that is sort of essential to my heart and my work and my mission is we do legal advocacy work, and that work is in our prisons, we monitor conditions of confinement. We represent women and girls and

gender-diverse folks at disciplinary hearings in courts. We work -- we do peace bonds because that's a -- there aren't very many lawyers in our community who will represent people at peace bond hearings. We do police complaints, and that's a significant area of work.

And I think it's important for me to acknowledge that this work is done in an interdisciplinary way, and that it is really important that legal services are not divorced from community, that they're not divorced from the services that we offer through things like housing and community and love and programming. And I'll talk also about -- more about that, about what I think is actually quite innovative in the world of legal service delivery, which is around these -- the type of work that I think others around the table are very familiar with, where we see the whole person, and we provide legal services in conjunction with the whole person.

And just as a final comment, I feel a great pressure, perhaps, but also honour in being here because I am speaking in some ways on behalf of the thousands of clients that we have in our community who are not here today. I feel that I want to bring their voices to this table. I want to bring their experiences to this table. I'm honoured and thankful that the Commission has decided that in phase three they will be hearing the voices of folks with lived experience, but today, that those clients are here with me, and that much of what I will be talking about will be sharing those stories and experiences that I see and work with on the day-to-day in our community here in Nova Scotia. Thank you.

MS. KRISTA SMITH: Thank you, Emma.

Deb? Deb, you're joining us virtually. Would you like to introduce yourself?

DR. DEBORAH DOHERTY: Yes, like the others, I wish to thank you for the invitation and the opportunity to be here today and share the learnings from 30 years of experience creating law information, materials, resources, training for the public, and much of it was in relation to domestic violence.

The notion of domestic violence in family law, criminal law, housing, I think the intersectionality part is more recent. When we started creating materials for the public, it really was in silos, but we have come to realize that those silos are connected, and if we don't work in collaboration among the different sectors, then we're not going to really have the full picture of what's happening.

So when we would create a guide to family law, we would often do it without reference to domestic violence. And we came to realize that by doing that, we were not recognizing the lived realities of the women who were trying to access, let's say, the family justice system. So I'll talk more about how those intersectionality became a reality for us, but I do want to say that after 30 years, there's not just public legal education. I joined the -- and was a founding member of the New Brunswick Silent Witness Committee, and it was looking at women who had lost their lives to femicide. And -- excuse me -- that particular research was very interesting because what we found out is that a lot of the domestic homicides in New Brunswick didn't have the same clustering of risk factors that we would read about in national studies by StatsCan, or the -- when Ontario first released its domestic homicide fatality report, they would have here are the top seven factors that were present in all of these deaths. And the top five factors in New Brunswick weren't the same top five. I mean, a risk factor is a risk factor, but they were not the same ones that clustered as the top five. And one of the differences being that in New Brunswick, one of the top five risk factors was the presence of firearms. And I noticed in the report that was released by Ontario's Coroner's Report, it wasn't a top five. So I'll be talking about the differences between the experience, the barriers, the opportunities to end violence in their lives from a number of perspectives, from working -- looking at the domestic homicides, by looking at the resources, law information, law resources.

And finally, I'd like to share some of the ways that we've worked with Victims Services in New Brunswick to create safety planning materials, again, that reflect the reality of women in a rural province. About 70 percent of New Brunswickers

live in rural areas. And so we were finding a lot of the Victims Services -- or a lot of the safety plans that Victim Services would use to work with victims were all predicated on the assumption that the most important thing to do is support women to leave in an emergency and stay safe after leaving. And a lot of women in New Brunswick stay or stayed and returned many times. So we do want to support safe leaving and emergency leaving, but we have to do something to support the women who've made the decision, based on their recognition of risk, to stay. And so I think when I have an opportunity, I'll talk a little bit about EVO, which was our safety planning resource for rural women.

I think I'll stop there for now but thank you for this wonderful opportunity.

MS. KRISTA SMITH: Thank you, Deb.

So we're going to pick up really where we left off yesterday. Yesterday we were focussing on police and institutional responses to intimate partner and gender-based violence. And today, we're going to build on that and build out the picture a little bit.

I would like to start with Janet, knowing that your colleague was unable to join us yesterday and you two have done some very important research together, so we're pleased that you could join us today and tell us a little bit about that work that you and Jennifer Koshan and Wanda Weigers have been doing.

For the record, the two documents have been entered as exhibits, which are the fruit of your labours. It's Exhibit P003651, which is COMM Number COMM 0059325. And the second report is P003513, COMM Number 0059764.

Janet, I'm just hoping that you can tell us a little bit about the project and what you are hoping to accomplish and what you found.

PROF. JANET MOSHER: Thank you for that invitation. I'll provide a summary and then invite any specific questions that you might have.

So this project is a research project. It actually involves five

academics in total, although three of us have been doing much of the work on specific dimensions. This ties in with something I alluded to earlier, which was around trying to understand access to justice, especially at the intersections of different areas of law. It's also intended to reconceptualize access to justice. I'll say a bit about that now and I -- it may come up further in later discussion.

So much of access to justice literature is focussed on getting into the courthouse doors. It's, like, there's barriers to those doors and how do we get beyond them. One of the things that survivors often experience is that they're being dragged through those doors often by their abusers, and especially in the family law context. And so being pulled through those doors certainly does not feel like accessing justice.

I think another theme that emerges from the work that we've done is that -- and this is not an observation unique to our project, is that for survivors, engagement with various dimensions of law can sometimes feel enabling, protective, helpful, but it can have just the opposite effect as well. It can feel like a form of violence and certainly some women describe their experiences with legal systems as a form of re-traumatization. And so, as we are doing this work, it's trying to think through in what ways, with what kinds of legal structures, what kind of education and knowledge do we really build up those positive protective dimensions of law and address those things that create harm and additional violence.

And I also want to acknowledge that this looks quite different for women, depending on where they're located, whether you're a black woman, an indigenous woman, a newcomer. So again, thinking about the way in which law works. We need to be really paying close attention to women's particular identities and locations, and how their experiences are shaped by multiple systems of oppression.

So what we've been doing in the research project is we started with a mapping exercise. We thought initially this would be quick. It wasn't -- and that was to map all of the legislation in every jurisdiction across the country that touches in any

way on intimate partner violence or domestic violence. I think a very positive finding from that, if we were to compare law now to even 10 years ago, even this year from last year, is that more and more areas of law are addressing domestic violence or intimate partner violence. So you'll see employment protections. You'll see occupational health and safety provisions, some specific provisions around residential tendencies, so all of that is a positive development.

What we've done more recently in some work for the creation of a national action plan, which Pamela might say more about, is to compare jurisdictions. And so I thought I might just touch on some of the interesting things that come out in that comparison.

One is that you'll see differences, of course, between provinces and territories, but also within provinces, around the terminology that's used. Sometimes a term appears. It might be family violence or domestic violence, but it's not defined. So it's left to whoever is responsible for its implementation to decide what meaning to give to it. To the extent that there are definitions provided, they can vary dramatically. They may include only physical violence. They may include financial abuse and psychological abuse. They may include coercive control, so some really significant differences in definitions.

In this work that we did, we've tried to identify what we think might be best or promising practices, and generally, and no surprise, our view is the broader the definition, the more protective it is for survivors, and so we always favour the broader, more protective definition.

The other thing that varies again between different pieces of law and between provinces where we're looking at similar areas of law are kind of questions about status that makes one eligible for certain kinds of benefits, or support, or legal entitlements. And some of those would relate to relationship status. So whether -- if you apply for an emergency protection order, you have to be in a married or common-law relationship, or are you eligible if you're in a dating relationship. Another kind of

status eligibility relates to your immigration status. There are many, many, many different forms of immigration status, from one without status to a citizen, and really enormously varied access to things like social assistance or social housing, depending on whether or not you are a citizen or a permanent resident, for example.

Another thing where there's tremendous variation, and I think this is enormously important, is around the kind of verification of abuse that's required. So to access many kinds of entitlements, legislative schemes will require documentation from particular named professionals. They may be doctors. They may be lawyers. They may be police officers. But because we know that, for a whole variety of reasons that we will get into, most women do not access those professionals, or if they do, they do not -- and again, often for many, many reasons, disclose the abuse to those professionals. That means that for many women, they're not able to provide the verification that is required.

So I mentioned before, there is variability. In some legislative schemes, in some provinces, all that a survivor need do is to declare that they have experienced intimate partner violence or sexual violence, and that's all that's needed to access the benefit or the entitlement. And again, we could contrast with the requirement for something in writing from a named professional. And here, obviously, too, a woman's social location will really affect tremendously whether or not she's able to access the requisite kind of verification.

I'll just put out there now, and hopefully this is something that we can return to as well, is that in many, many contexts, women's disclosures are met with disbelief. And that I think ties to the expectation that there be particular kinds of verification to prove that she is indeed a survivor. I think for women who make disclosures that are met with disbelief, that is profoundly harmful, and has really significant implications as to whether or not a woman will disclose to others or will continue to seek help.

I have to say this, as part of this project as well we've been

reviewing a great deal of case law, and -- in the family law context, the criminal law context. And the claim that a woman has fabricated, for the purpose of getting some kind of strategic advantage, whether it's custody, whether it's to access social housing, whether it's to access welfare benefits, those claims are pervasively made.

And so I think for many women in the legal system, and I think encountering other systems as well, they are engaged by many, but not all, actors at a place of, I guess, scepticism and disbelief, and I think that's a profoundly important problem to address.

Maybe the last thing that I'll say here in terms of variability, kind of across jurisdictions, is the different kinds of supports, resources, entitlements that women are able to access. So I'll give just a few examples; there's many, many examples.

Victim compensation, and a lot of this legislation is not specific to domestic violence or intimate partner violence, although many provinces have particular provisions that are. But the kind of compensation that one might be eligible for, in some province will cover a whole range of different kinds of critical supports; counselling, setting up a household, moving -- lots of things that are really important to women's safety. In some provinces it's zero; there's no eligibility. So depending on where you are in the country it may be really enormously differential access to supports.

There are some provinces that have unique forms of support; I'm just going to highlight one. Saskatchewan, in its victim compensation legislation, has a specific head of compensation for counselling for child witnesses of domestic violence, as well as funding for an adult to accompany that child to counselling. Given what we know about domestic violence and harms to children of exposure and the importance of intervening early with potential perpetrators, that strikes me as a really important kind of benefit. And, again, to the best of our knowledge, exists only in Saskatchewan.

There are lots of other examples that I could provide but maybe I will stop there, and I think others will come out as we talk further about our different

areas of research and work.

MS. KRISTA SMITH: Thank you. I think it's helpful to have kind of an overview of the legal landscape, and then I want to continue to kind of zoom out to look at systems and structures before we zoom in closely to look at how those systems and structures impact the experience of women who are subject to intimate partner and family violence.

So, Rachel, I'd like to take it to you now, if I can, and ask you about the historical characteristics of state and social systems and how they shape -- how systems themselves respond when women seek help for gender-based or intimate partner violence.

DR. RACHEL ZELLARS: Yeah, thank you so much for that question and just giving space for a bit of this history.

I want to speak a little to Black women's experiences and build upon the really important comments from expert social worker, and beloved community member, Lana MacLean, who I think was here just yesterday; just yesterday afternoon.

From coast to coast to coast in this nation, our nation's very first encounter with Black women was as property; and specifically, as sexual chattel used to increase owner's wealth and property. The law of *partus sequitur ventrem* meant that Black women's fetuses were property, both in life and in death, and over centuries in this nation, in North America, Black women and Black men had no legally protected rights to their children.

This history, for many scholars such as myself, is a history that undergirds the professionalization of social work, and of course, institutions such as Children Protective Services and the like.

So for the last 200 years our nation has practised, or practised, engaged in the rape of Black women as an absolutely foundational conduit to its wealth-building project. For 200 years under our history of slavery, Black motherhood was therefore perceived as a threat to the province, the nation, and our accumulation, our

wealth-building project. For 200 years, right here in Nova Scotia and throughout the Maritimes, Black women had no right to their children, nor could they protect their children from harm, death, or sale.

This reality, very importantly, was codified in law, which recognized and protected this ownership right. Black enslaved women, it bears to mention at this moment, had no recognition as property before the legal system broadly throughout North America under slavery but were always deemed culpable in having standing in the context of the violence they committed, so that contradiction is ripe within the history of our law.

One of the things that brought me to this beautiful province was the rich archive of documents, legal documents beginning in the 1700s that confirm and make legible this history. So our own provincial archives right here, numerous Canadian legal cases throughout the 18th and 19th Century bear witness to this history and legacy. The history and legal enforcement existed here, as I mentioned, in Nova Scotia, the Maritimes broadly, and of course throughout the rest of North America in the slave-holding world.

So to make that more plain; first, we have this historical terrain that we're sitting upon, one that is unique to the lives of Black women in this nation and province, and that history provides really useful information about the ways that White supremacist violence -- which I hope we'll talk about more today -- is expressed through the lives of Black women in Nova Scotia and Canada.

Secondly, historians and sociologists understand well that every single structural system of violence depends on very particular myths to preserve it over long periods of time. For Black women, as Lana MacLean spoke of yesterday, for Black women one of those myths was the Jezebel trope. This is an old stereotype, existent over centuries, about Black women's alleged hypersexuality. It's been used in a myriad of fashion since the 18th Century, and it was used to justify and reinforce sexual violence against black women.

Historically, not only was this trope used to justify the treatment of enslaved Black women, and later free Black women, but it was absolutely imperative, absolutely essential to the construction of White manhood and White womanhood in this province and throughout the country.

Let me say that again: The Jezebel trope that presumed Black women's hypersexuality was absolutely essential to the construction of White Canadian manhood and White Canadian womanhood. So as such, if Black women historically under our system of slavery were perceived or deemed to be naturally whores, prostitutes, then White men, the weaker sex, certainly could not be held liable, responsible, for their transgressions of rape. And White women remained, under that systems, touchstones of purity, representations of genuine womanhood.

The point that I want to drive home today for all of us, is really just twofold. First, our -- and here I mean, our, local, in this place that we're sitting -- our history of slavery has meant that Black women's sexual violence was always essential to the gendered dimensions of White supremacy.

Black women's sexual violence was always essential to the gendered dimensions of White supremacy.

One of the things that I argue in all of my work is that Black women's lives, in fact, illuminate for us the ways that white supremacy, patriarchy, and masculinity cohere, inform one another, and intersect.

And to return just briefly from a really brilliant made from Dr. Barbara Perry yesterday, white supremacy and mass killings together share a familiar masculinity that is ever responsive to what it perceives as threatening or menacing. So that's the first point I want to drive home.

Secondly, our history of slavery. Again, right here, I like to think, I like to think and speak about the place that our feet are touching; right? Our history of slavery and the myths that were used over and over centuries to justify the grotesque norms, social norms that it produced, are very much alive and well with us today,

embedded within our institutions, I know we'll talk about that bit later, and these social norms, importantly, one of my areas as a legal scholar, they're embedded within our legal system. And so any attempt to understand or to respond to violence that's committed against Black women today must respect that long history that preceded this moment.

I want to be clear, just in closing around this question, this topic, this is not an intellectual exercise. For all of you that are with us today that may be hearing speak or jargon that feels a bit unfamiliar, this is not an intellectual exercise for myself and for us, but rather, data necessary for sound policies and programming that we need to create and design that serve, not only Black women, but other racialized groups of women, Indigenous women in this nation. Our lives and our communities depend on an understanding of this history and the data that it provides.

So those are just a few thoughts on the systemic forces that shape Black Women's experiences, the gender-based violence. Thank you.

MS. KRISTA SMITH: Thank you. Rachel, I'm dying to ask you about 20 follow up questions, but I'm going to keep it moving and hope that it will all come out as we -- as we go.

Lorraine, I'd like to pass it to you, and if you can maybe build on what Rachel has been saying, and explain how settler states and their structures encounter Indigenous families. I'll leave it at that.

MS. LORRAINE WHITMAN: Okay; Wela'lin. Thank you, Rachel, for -- you know, for the information you have given us.

First of all, I would like to say that we are moving forward in a very positive state. And when we use the word "reconciliation", this is truly what I would say reconciliation, because we're sitting at the tables where we need to be. It's been long overdue that the Indigenous women or Indigenous people sit at the tables, to hear their voice to be told.

As noted, in the national inquiry, you know, the voices, and I won't

say stories, but it's a life experience that the survivors have gone through. For many years, you know, one of their loved ones, their daughter, their son, their aunties, or mother, you know had been murdered or missing, and no one has ever taken that seriously because they have never found the remains of that loved one, and some are still seeking to search where their loved one is today, 50 years later.

Today it exists, and it all goes back -- and I'm just going to go back a little bit further into the history, and it all, you know, began when colonialism came here. And in Mi'kma'ki, we were the first contact with the European as the boats come, and as many of, you know, the stories, because we're storytellers in our culture, in our heritage, and they would say about, you know, the houses on the water, because these ships were far more larger than our canoes that we would use to go, so they seen them as houses. And we opened our arms, we helped feed, we helped clothe them, and even, you know, gave them our women to be able to reproduce because we didn't understand why there were no women on these ships. You need a woman in order for the population to grow.

But at the same time, we didn't realise what we were opened to, except for some of our grand chiefs. In order to be able to work and to have peace and friendship, they signed agreements, but our agreements were never, ever followed; they have broken agreements. And in our culture, our word means so much. If you can't follow your word and you make a promise, by god stay with it, because if you can't then don't even make that promise.

And that's why today we're having so much problems and concerns and barriers and challenges, and it is with the government system. And we'll go into it more in the line of funding and how that barrier and challenge is there, because that funding is just -- it's like putting a cob of corn in front of you and everyone is going for that cob of corn. And it's that same cob of corn every year that we go for proposal, but there's less corn on that cob. Unfortunately, that's setting us up for failure.

But again, like I said, I know we'll be getting into that. I just get very

emotional and compassionate because we need to reset it in a good way. And you know, for being here today, it -- it's like one of the Elders told me, "If you're doing the right thing your heart will tickle." And my heart tickles because I am here with a group of women and men that are bringing so much to the table so that we can, you know, correct the violence that is out there.

You know, the system that we had, we were living in a matriarchal society. When colonial come, we went into a patriarchal society, so different than what we were used to. Values that were put on us were not the values that we were used to. And I'm sure many of you may have heard of the Seven Grandfather Teachings, the Seven Sacred Teachings of, you know, love, respect, courage, honour, honesty, humility, and, last but not least, wisdom. And hopefully what we're doing today and what we've done yesterday and how we're going to be moving forward is more wisdom.

Because we work as a Two-Eyed Seeing. You may have heard that word, but for those that aren't familiar with it, is we know what happened. As Rachel has said, we know, we live it, it's in our DNA, and if we go back further, we'll look into the epigenetics because we carry it in our blood. So all of that hurt and pain is here. And we wonder why you -- why are we triggered? With the intergenerational trauma that's been done to us, why do we trigger? Because I don't know why, but it's in our blood.

My ancestors, my mother, my sisters, you know, we've been through, you know, residential school survivors, Sixties Scoop survivors, and that's very difficult because the governmental system that was set up was to take the Indian out of the child. But we're here today. I was once a child, I'm now an Elder, but we need to be able to bring those values forth, we need to be able to do those teachings, and we need to let other people know our teachings so that we can all work together in a unified way, in a loving, respectful way.

And we understand that everyone has challenges, we understand that each and every one of us have something to bring to the table. We may not agree,

but we can respectfully disagree. But we cannot, we cannot continue with the racism and the discrimination that we are facing, regardless of what race, what colour, what gender. We need to be able to be respectful, and we need to be able to wash out that racism, the discrimination within the institution, and it'll only come through educating, through the life experience of the survivors, of the people that aren't here today, because those are our experts.

I'm just the voice of the conduit from my Indigenous people, the people that I advocate and defend for, and for our youth. I hear their voice, but I'm only telling from their stories, even though I have my own personal experience. But we need to be told and let other people know because I don't want be sitting here just as a token. I have been a token Indian for too long.

And you know, people have asked me, "Oh my god, I never knew you were an Indian." And I thought, "Indian; okay."

What does an Indian or an indigenous person look like to you? Because when I speak of indigenous, that's just the umbrella of the First Nations people, the Métis and the Inuit. We all fall under the umbrella so we need to make sure that we use the proper definition when we speak.

And I'm speaking only for the Mi'kmaq because I'm a Mi'kmaq woman and I know what I've gone through. I know, you know, the intergenerational trauma that has occurred and I'm very fortunate. I -- it's not an entitlement because that's a different definition. I don't have an entitlement.

And when we speak of our land we've lived here, it's been demonstrated to me that we're not here for the land. It's the resources, it's the protection. And right now, we are in global crisis with our water. We can see the environment, the heat that's happening and our water is so important. And me, as a Mi'kmaq woman, I am a caretaker of the water.

We need to take care of our water, our environment. And I know I'll get into that more as well. But we need to stop the social profiling that's continuing out

there with the RCMP in my own hometown, which is in -- you know, in Middleton area.

You know, I'm so social profiled by the RCMP and I wanted so bad to be able to get that number on that car of the RCMP, but I wouldn't dare pick up my phone while I was driving because then I'd be charged with having my phone, phoning someone while I'm driving. But social profiling is here, discrimination is here, racism, and it's very strong and it's growing stronger by the day.

And I don't have my phone, but technology is one of the worst, and we need to be able to look at that area so that we can start because there are many of our young people that are -- that are taking their own lives because of all of the bullying, the violence that's out there.

We need to be able to work together. We need to be able to see one ways or means that we can stop that challenge because the violence is terrible out there.

And I know again we'll be going into more on that, but just to give you that little cultural part, we need to educate ourselves about our history, what's happened with colonialism, why we are here today, why the women are being attacked and the barriers because they've been broken. We're broken people.

We're trying to revitalize our culture, our identity, but we can't if we don't know where we come from if we've been taken away from our family and we come back and we can't even speak our language to our family members, and that's why that one sacred teaching of love because with love, there's the two components. One is a physical, the other's a spiritual. Both of them have been broken.

And each and every one of us have been given that one sacred teaching, and that's the love from our creator, our spirit within us, but when we're taken from our family and we're beaten for speaking our language, for even having our hair long because in our school system -- and myself, I couldn't have my hair long because I would carry lice. So I could see some of my other friends that had long hair, but they were fair toned. They had light hair. They weren't dark like me.

And I didn't even think anything was wrong with me, and I -- there is nothing wrong with me. But when you're a child, it's hard to be able to state that, so we really need to educate our young people. And I do, you know, a mentor program with our young girls known as "Girl Power". That's empowering our young girls to not be influenced so much by magazines that we have out there, you know, for being thing, you know, with anorexic, the disease that comes. It's not just the disease of weight loss, but it then becomes, you know, a mental disease.

So with that, I certainly thank you for bringing me to the table because our voices need to be told from the perspective of an indigenous woman. Wela'lin. Wela'lioq.

MS. KRISTA SMITH: Thank you.

Emma, I'm going to take it to you now. And I know that we're all coming from such very different perspectives, and my hope is that our time together will help to form a whole picture.

If you could talk to us a little bit about your -- what you've observed in your work about women's social context and economic circumstances and how that shapes the decisions they might be making when dealing with intimate partner and gender-based violence.

MS. EMMA HALPERN: Thank you. Absolutely.

So I'm deeply appreciative of the panelists who spoke before me because they set the context in which we are currently living and working in Canada today.

To Dr. Zellars' point, this is not our history. This is our present. This is what we are seeing and living today, and I see that in the work that we do every day with our clients who have tremendous histories of trauma, violence, failures at the hands of the state.

I often -- I often say that when you fall between every crack in our social welfare system, you land in our prisons and jails. And that is who we are

incarcerating in this country today. It is highly-traumatized and victimized people.

As Lorraine indicated, the history of our indigenous peoples, it's still with us, the history of colonization, the harms inflicted on our indigenous people, and so it is not a surprise that, currently, the fastest-growing prison population in Canada is indigenous women because we are failing indigenous women so badly in our communities that they have landed in our prisons and jails.

To understand the intersection of criminalization and victimization, we have to talk about our child welfare systems where we are seeing, today, many, many individuals who are taken into our child welfare systems and -- with a direct linkage to that experience of criminalization, so the state is failing in their job to parent and that -- and young people are then growing up and directly linking into our criminal justice system.

So I think that, you know, in terms of the sort of social material context of what we see and experience daily in this community, it is our highly-traumatized, racialized young people often. And the age -- the average age of women and girls in our prisons is getting younger and younger, and I would directly link that to failures in our child failure system.

And so we can't -- you can't look at incarceration without looking at child welfare and the failures in caring for children.

And I'm going to talk later -- I think we're going to talk about some of the sort underpinnings of this, of my work, but I'm going to talk more about the carceral state. But I think it -- just to reflect on Dr. -- some of Dr. Zellars' comments, you know, the carceral state is the state whereby we -- within our institutions across this country we use control and discipline to manage and address social problems. And so you can see that very directly in the use of prison and jail to address social problems, but it is also permeated into our education systems with, you know, uses of things like detentions and, you know, many other removals from school. It is also certainly, in our child welfare systems, as I said earlier.

You can't, you know -- my colleague, Emily Coyle, and others have spoken about the way in which discrimination and racism and patriarchy are embedded in these systems from our history. We've heard this this morning. And so what we start to see is that playing out in our courts and in our prisons, and so we see, you know, highly vulnerable racialized women and girls in -- being then -- experiencing extreme violence at the hands of our state through incarceration and so on.

And you know, one of the things that -- and that happens, sorry, from a very early age in childhood. It happens in our schools, it happens across the board. And as a result of that, there is a deep, deep distrust in our state systems for vulnerable women and girls.

And one of the questions that came to -- that, you know, we were discussing before is, well, well when our clients experience gender-based violence, well why don't they report? Why don't they go to the police? And in order to understand that question you have to understand the history. You have to understand, not the generational history that was discussed this morning, that this is not just about what someone has experienced themselves but what their families have experienced for multiple generations in this land. And so their -- what -- when we expect policing systems to be the space where we will -- that will save us from violence or from harm, we are leaving out a significant group of -- in our population who would never feel safe from those state systems as the space where to go to when they experience harm.

And so that has to be understood when we're talking about social and material context. And so that's the background in which we're doing the work with the community and the individuals that we work with every day.

And so, well, what can you do then; you know? And I think that's where I sort of want to focus on when we're talking about social material context. That's the history, that's the context, that's where we are, and yet, we can't just throw up our hands and say -- and -- you know, and say that these state institutions are the only answer, and so we have to start to think about alternatives.

And I would say that in my work what we have seen is two important and parallel intersecting streams of -- that offer alternative ways of thinking. And one of those is building space in our communities to address gender-based violence within community, rooted in supports and services that are led by survivors themselves, led by peer support, led by individuals who understand the oppressive nature of our state and understand that lived experience of violence.

So that's one channel, and -- that -- but I don't think that you can do that alone. I think there also has to be a parallel stream that is about systems change. Because as much as these systems have oppressed many, many people for many years, and continue to do so, we -- this is -- these are the systems that we are living in, these are the systems that are here, and so we have to keep fighting to make change in those systems.

And again, I would say the place to go to, to really understand what needs to change, is survivors themselves, is people who have lived this in their families, in their communities, in their homes, in their own lives. And giving space for survivors to really have their voices at tables, and not tokenised voices but real, true voices that can bring change, that can be leaders in change-making.

We have a program right now, a project, and it's a project funded by Women and Gender-Diversity Equity Canada. And you know, we'll talk about funding later, but the idea that we are constantly building these incredible programs that work and then lose funding is a travesty and a serious problem that we're going to need to address if we really care about addressing gender-based violence.

But we have a wonderful program called On Our Terms. It's an initiative where we are -- that is entirely led by survivors, whose voices, and when we come to telling some stories I've asked them for permission to share some of their stories, and I will today share some of their stories. But this On Our Terms initiative is taking both the opportunity to create safe space for survivors where survivors or supporting one another. We, you know, weekly sit in circle and share our experiences.

We try to build our program in a way that is giving people the care, the respect, the dignity that they deserve and that they're not experiencing in our -- in our courts, that they're not experiencing in our systems. But we also utilise that space to identify where those problems have arisen and what needs to change.

And it's interesting, I mean, and I can talk to this more if anyone is interested, but there's such a huge range. We've heard of things like, you know, a letter from a lawyer that was just phrased in a way that was not trauma-informed, that didn't understand the experience of that survivor. You know, we -- we have heard about the, you know, the person who -- you know, the fact that when you walk into a courthouse, you have no idea where you're going. There's no -- there's not even a sign that tells you where you're supposed to go, what courtroom that they're... The inhumanity of walking into those spaces, and the fear for so many people, and the lack of supports. We've talked about the ways in which one person, one police officer, one kind clerk can make all the difference in someone's experience.

And ultimately, at the end of the day, what we've talked a lot about is this idea of being human-centred. That our systems are -- have been designed to protect themselves, and the people who work within our systems have been trained in many ways to protect the system before they are actually stepping up being there for the human beings that are walking in our systems. And that it is those moments of humanity that will make all the difference, the moments of care, the moments of compassion, the moments where someone is treated like they matter.

And how do we build spaces within our systems where people feel they matter? What does that look like? How do we shape systems? Is that even possible, is the question that I will -- I don't have the answer to, but can we even shape the systems that we have to bring humanity for individuals who have been highly traumatised in multiple -- for multiple generations and in multiple ways?

And you know, I think that that's something that we have to keep looking at, we have to keep working on, we have to keep thinking about, while at the

same time demonstrating that there are other ways of doing things. That there are other things that work, and I will talk about those more, and yet, they are always on the margins. And why? Why are the things that really work always relegated to our margins?

And I'll leave it there.

MS. KRISTA SMITH: Thanks Emma.

Pam, I'm wondering if you can move us into the rural context, and thinking about how some of these systems and legacies and pervasive influences uniquely shape a woman's experience when they're experiencing intimate partner and gender-based violence in a rural area?

MS. PAMELA CROSS: I'm happy to do that, and I'm going to talk about it in two contexts: the reality of the violence itself, but then also, what happens for that woman if and when she decides she wants to leave the relationship because they're both different from the experiences that women have in urban settings.

It's so important to remember that about 30-percent of the country's population lives in what geographers call rural environments, there is many different definitions of what that is, and yet, policies -- you know, that's a third of the people who live in this country, and yet, policies and laws continue to be made as though everybody's living, you know, pretty close to downtown Toronto, frankly. Even other provinces are excluded often in the way federal legislation and policy are devised.

And so we have 30-percent of the people in this country who are trying to operate inside systems that are designed assuming that they are a two-minute walk from a bus stop. That if they need to get out of a house while abuse is happening, they can walk to a neighbour's in a couple of minutes, or to a library and find some refuge there. That there are perhaps dozens, perhaps more than a hundred lawyers who they can call. That there's a shelter they can go to with their children that doesn't require them to relocate to a different county. That they can get a restraining order and have some confidence, I'm not going to comment on whether the police response is

appropriate or not, but that the police can show up at the door within a few minutes.

So it's in that context that I'm going to talk a little bit about the violence itself. It looks different. It looks different because women know it's harder to leave, and because they know there are fewer resources out there. So they tend to stay longer. It looks different because guns in rural communities are entirely different than they are in urban settings. They are part of daily life. They're around the house, they're in the barn, they have a legitimate use. I have no use for a gun in my life, I live in a city. So I don't have one. But I lived in the country for a number of years, and we had a gun because we used it to kill varmints.

We were surrounded by hunters who were routinely on our land with guns killing animals. If I had been in a relationship where I was being abused, that gun would have been a threat to my safety every single day. And abusers know that. They never have to shoot the gun. It comes out during an argument, “Oh, it’s time for me to clean the gun,” while we’re arguing about something.

When guns are used, they’re -- the outcome, of course, is always critical. Much higher rate of domestic homicide in rural settings involves the use of a gun, than in urban settings. So that woman’s experience of the abuse itself is shaped by things that just aren’t part of the reality for women in urban centres who have other challenging realities; I’m not discounting that, but the systems are primarily designed for that urban woman.

Why would I even bother to get a protection order or a restraining order when I know it will take the police 45 minutes, an hour and a half, two hours to get to my house? Why would I get a restraining or protection order if my home doesn’t have stable cell service and there’s no land line? I’m not going to bother. I’m going to stay and I’m going to do what I can to keep myself and to keep my children as safe as possible. And I know we’re going to come back to that topic later, so I’ll just leave that there.

But let’s say I do decide to leave. In a rural setting, I have, as I

already indicated, far fewer services and supports to turn to. Maybe there's one lawyer in my community, maybe that lawyer practices family law but, you know, maybe that's alongside a real estate practice and wills and estates practice. And in my province, we do have a legal aid program; maybe that lawyer doesn't take legal aid. And, importantly, maybe my abuser went to see that lawyer first and so that lawyer is now conflicted out. If I want a lawyer, I've got to go to the next town over or the next county over.

Oh, I don't have a car. There's no public transportation. How am I going to get there? As one woman said to us with respect to public transportation when we did the research at Luke's Place that led to our report, and she was talking about a situation where she needed public transportation for safety reasons, not to get to a lawyer's appointment. What happens if you have to wait for a taxi? That's at least an hour. By that time, it might be too late. Imagine that: You've made the decision to flee an abusive situation, you know you've got a certain amount of time while the abuser's out of the house; maybe he's in the barn, maybe he's at work -- and you have to call a cab. And then you have to stand there with your children and your bag and hope the cab gets there before he comes back from the barn, or from whatever else it is that he's doing.

That's not a concern for a woman in an urban setting. Again, I'm not saying it's easy; it's not easy for women anywhere who are being abused.

The lack of privacy -- and this second part of this I learned in a way I'd never understood before during the inquest in Renfrew County last month: The intersectionality of the relationships of people in small communities. So I'm in a relationship where I'm being abused by my partner. My kids play soccer. My partner's brother is the coach of the soccer team. I want to go into the shelter, but his cousin works there. The police officer who's going to respond if I dial 9-1-1 goes to our church. Of course that can happen in urban settings, but the odds are a lot lower that it will happen. So once more, I feel like I can't get out because anywhere I want to turn, those

people know something about me already.

Not to mention, that if I do have a car and I park in the lawyer's office, my mother-in-law's going to drive down the street and see that my car is parked there and is going to wonder what on earth I'm doing there and will ask, maybe not me, but my abusive partner.

As one of the women we spoke with during our research said, "Everybody knows everybody's business, and if they don't, they'll speculate and that's how the rumours start."

So on the one hand, there's kind of that lack of privacy but there's also isolation. With no close neighbours to turn to or to notice when a problem arises, a woman who's being abused by her partner is at greater risk of suffering serious injuries. She can't get to help quickly if she needs it. She can't just drop in for a quick visit with a neighbour so she doesn't feel so isolated; can't stop into the library for a chat. And so women feel increasingly lonely, isolated, and they feel despair. As one woman told us, "You just feel like you're lost in the middle of nowhere. They can get away with more and they can control what you do and where you go if you're stuck there."

I want to talk just briefly about how some of this ties into family law issues, especially those related to children. I mean, I talked a little bit about the problems with restraining orders in rural settings.

If in order to escape my abuser I need to move to a new location, I've now removed the children from what the law calls their habitual residence, and I'm in big trouble. I'm not allowed to do that until there's a court order that says I can or an agreement with my partner, which I'm not going to get. I'm also not going to get a court order very quickly, and maybe not at all. So what am I going to do?

In addition to that family law component of that, going into a shelter could mean that my kids have to relocate to a different school; could mean that I can't have the employment that I've had because it's too far away now from where I live, and I don't have a car.

A number of people both this morning, and all week actually, have talked about housing. There just isn't any in rural communities. You live where you live. Some people live where they live for many generations, in fact. So there really is nowhere to go unless you can access a support like a shelter.

Finally, the communication challenges -- and I mentioned the lack of cell service -- cannot be overstated. We all assume that we can reach for help, those of us who live in urban areas, you know, by picking up a phone and pressing a couple of buttons. And that's just not true for women who are living in rural communities.

I don't know how many governments, federal, provincial, territorial, have been promising for I don't remember how long that this is, like, the top priority for the country. I don't even know the right words to use but, like, better broadband or something. It hasn't happened. And so we have women who have alarm buttons, but they mean nothing because the technology won't support them. We hear increasingly about moving towards electronic monitoring -- well, we could spend all afternoon talking about other problems with electronic monitoring but one of them is that they don't necessarily work in rural communities that don't have stable cell service.

The last thing I'll say for now, because I could talk about this all day, and we have lots of other important things to talk about, I just want to end with a quote from a woman who was talking about guns. I know I mentioned them already, but I never fail to find this quote really moving.

She said, "There we were, miles from anywhere, him, the kids, me, the gun, and all those bullets. I would just be a hunting accident."

Imagine living with that every day of your life, what it does to your soul, and how trapped it makes you feel.

Thanks.

MS. KRISTA SMITH: Thank you, Pam.

Deb, you had mentioned earlier that you hoped to have the opportunity to speak about the decision to stay that women sometimes make,

particularly in rural areas. I'm wondering if we can go there now.

You might be muted.

DR. DEBORAH DOHERTY: Yes, because it's so counterintuitive to our *desperature*, feeling unsafe, and you choose to stay. So people find that hard to believe, and what have women have told us in the research is that that is one of the reasons why they don't disclose because they don't feel they'll be believed. And the types of norms, social values that rural folk tend to adhere to, really makes victim blaming, sort of normalization of the presence of the firearms and so on. One of the reasons why you might make the decision to stay, as one woman in the study said, I know it sounds counterintuitive, but it feels safer to stay than to leave.

When I stay, if he starts drinking, I know the signs that he's going too far, I know -- I have strategies to calm him down. I feel safer staying. If I leave, he could track me down. I don't know what he's thinking, what he's doing. I don't know the look in his eye. I could only imagine. It is so frightening to leave, I feel safer staying.

So we got that kind of response.

The other thing I wanted to mention about staying and you staying because you adhere to these social norms that are heavily predicated on patriarchal values that women are the peacekeepers in the family, that they're subservient to men, and we've had women say, "I stayed all those years and the abuse got worse and worse but I walked on eggshells, I did everything possible to try to keep our family together, to try to be the person that made sure the house was clean, that the noise level was down when he came home". And when I finally said I need to take action, I'm going to go see a lawyer and get custody of the children, and the lawyer would hear -- this is the stories we've heard -- that you stayed for 10 years and endured that kind of abuse. No judge is going to believe you. Don't mention it. We won't bring it up in court because it's hard to believe that you would stay and accept that kind of abuse.

And then women would say, "How stupid do you think I am?". Like I really feel as if the system, the legal system, makes me feel inadequate, a bad mother.

I did all of these -- I stayed for the 10 years to be a good mother. I stayed because it was my role to be the peacekeeper in the family and now I'm saying -- being told that all the things you did show the legal system that you're not a very good victim, you know, that this is not something that -- that is believable.

So the whole notion of non-disclosure and the disbelief is really central to women's experience with, particularly, the family law system, but it's interesting, too, that on the criminal side we'd see in the transcripts that -- or sentencing reports that there was no history of abuse. You know, that's a mitigating factor. There hadn't been a history. Yet there could be an article in the paper saying -- family saying if only they had heard about her trips to the transition house or this or that, but there was no doctor who had, you know, been able to write down and verify that there had been abuse.

The family knew there had been abuse. The neighbours knew there had been abuse, but they weren't the professionals that were given the sort of authority to make that something the court would recognize.

And then in terms of community itself, in some of our focus groups we were wondering about universal screening and asking questions, whether that would be helpful. And we'd call on doctors, said I have a waiting room full of patients. They're an hour and a half late, and you're expecting me to ask a woman, "Are you enduring domestic violence and what can I do to help?". I don't have time to stop and save her life. The best I can do is say go to -- call a police officer or go to a shelter.

Well, where's all the options and strategies in between? And is -- you know, is there not something more you could do?

So that whole disbelief, it's there in the criminal side, too, with the -- the types of authority that are recognized as verifying that she has, in fact, a history of domestic violence and has reported.

So that's where I was going with -- when staying, a lot of it has to do with the rural norms that they adhere to. I know one woman said that she begged

her in-laws to please help her, you know, and showed the choking and hand marks on her neck. And what she was told was, you know, "If you don't like it, put on your big girl pants and walk out", you know. Lots of other wives experience the same thing. Their husbands drink Friday night and get a little rough. I'm not sure why you can't endure it.

So putting shaming and victim blaming, you know, back on the survivor is still quite commonplace and then not recognizing that staying might be one of the few options they have while they are help seeking and looking for other avenues.

Anyway, I -- certainly everything Pam said just resonated with me completely. It sounded like she was presenting our research because it was almost identical.

MS. KRISTA SMITH: Thank you, Deb.

Before we take our break, I -- there was another concept that I hoped to spend a little bit of time on that fits into sort of the structural conversation. I'm going to abbreviate that a little bit so that we have time to tell your stories, tell the stories you've brought.

But Emma, maybe you can just give us the quick primer since your organization wrote the article we included on hyper-responsibilization [sic].

MS. EMMA HALPERN: Absolutely. And I will try to be quick.

So that article's 15 years old, unfortunately, and actually, I spoke to Emilie after yesterday and said we need to do an updated version.

That said, many of the concepts that are in that article are still very much on point. However, what I did say is that the sad thing for me is that the reality that's described in the article is the same, and yet the recommendations, which tended to be on education and policy change, have happened and that has not changed what -- the context of what's happened, of the experiences of women and girls and gender diverse folks that's discussed in the article. And so that's a sort of reminder for me for later to talk a little bit about why we definitely need to move beyond policy and education if we're really going to see change.

But just to quickly speak to hyper-responsibilization [sic], you know, I think much of what's already been talked about today really describes this idea that women and other marginalized communities are often treated harshly and really not provided with adequate protection when they take action in their lives in response to the violence that they're experiencing around them.

And we see this every day in our communities and with our clients. We see women who are held at a higher standard than, often, their male co-accused, longer sentences, in for longer periods of time. And some of the commentary, and I think Emilie spoke to that a bit yesterday, around, you know, you're a mother, you're a -- you know, have a higher standard in our community, an expectation that you're going to be in the world at this much higher standard.

And I think it also has to be thought of in the context of particularly for racialized women and indigenous women, is this failure that I was speaking about before at every level within our systems isn't properly understood when someone interacts with the justice system. And so we don't protect women and girls and gender-diverse folks in their childhood, and then we don't protect them from their intimate partners or from, you know, gender-based violence and violence from the state, and then we do not offer them the supports and services that privileged women get in their communities, and then when they do something, quote/unquote, "wrong", we blame them and we throw the book at them because, to some of the comments made earlier, you know, we -- that -- those decisions, and that is based on bias and based on stereotype.

And I'm going to take two seconds to give a very quick example, but I have been working for about six years with a woman who is currently in Nova Institution, and one of the longest, she's got 25 years until she's parole eligible. She went into jail -- into prison when she was 19 years old; she's an African Nova Scotian and an Indigenous women. And she was found guilty of first-degree murder with a co-accused, who was a very violent partner to her. Her co-accused was -- had sold her

in human -- had trafficked her through human-trafficking, was older than her, and in fact, the day before this murder had occurred, had beaten her very, very badly in a parking lot in Halifax. She was then held to the exact same, you know, held accountable at the exact same level in our criminal justice system and through our laws because of the ways in which aiding in murder is understood in our laws.

And I think this is really important because of all the discussions we've been having about coercive control, and the real concern I have about that our courts don't understand coercive control or don't have it -- haven't negotiated with it, haven't dealt with coercive control the way that they have in other jurisdictions, in other countries. And in particular, what we see is the need to understand coercive control in conjunction with hyper-responsibilisation, and in the context of the carceral state that I discussed earlier.

And so we need to understand that coercive control actually is a mitigating factor for women who are in very violent relationships and are in -- and then are criminalised in conjunction with those violent relationships. We need to understand it, in fact, I believe we need to see it as a proper defence. And we do not understand in our court system that that context, or sorry, in our legal system, I shouldn't just blame the courts, but certainly across the board in our legal system the context in which a woman in an abusive relationship, who has lived her life under -- in these abusive systems from -- and abused by our state, whose family has often been abused by our state, often has no other choice. And we don't understand that or negotiate with that, and we are therefore locking up people who are experiencing these type of coercive control, and I would argue, not just at the hands of their intimate partners, but also in many ways in the way they're interacting with their -- with the state actors around them.

So I'll leave it at that because I know only had a few minutes.

MS. KRISTA SMITH: Thanks, Emma.

Just for the record, the Elizabeth Fry Society, also co-authored with the Native Women's Association of Canada, that report is Exhibit P-003653, COMM

No. 0059794.

So at this time, I'd like to take a short break if we could, and then we'll resume.

COMMISSIONER MICHAEL MacDONALD: Absolutely. Thank you so much. We'll take 15 minutes.

--- Upon recessing at 11:13 a.m.

--- Upon resuming at 11:34 a.m.

COMMISSIONER MICHAEL MacDONALD: Thank you.

Krista?

MS. KRISTA SMITH: Thank you.

Before we go on to the next section, I just wanted to give Pam an opportunity to follow up on Emma's last comments.

MS. PAMELA CROSS: Thanks, Krista. When I read the E. Fry NWAC paper earlier this week, I was struck by something that we see in our work that I think fits into the same category, but I can't pronounce that hyper-responsive, so you know what I'm talking about. And that's in the family law context.

When women, who have a partner who's abusing them, also have children, while they're together, a big part of her focus is keeping those kids safe, and that remains her focus after she leaves. So we routinely see women not seeking spousal support or property division or even child support because all they want is to make sure those kids are safe. And sometimes that means pursuing a family court proceeding to limit the father's parenting time, to make it short or supervised, or in some cases, to have none at all.

We call that protective parenting in our work. Abusive men call that parental alienation. And unfortunately, what we're seeing happen, I know Ontario best, but I suspect it's not unique to that province, in family court cases is this: a woman makes an allegation of domestic violence, family violence. She looks for limited parenting time because of justified fears about the children's safety. The father makes a

counterclaim of parental alienation, and the court doesn't even look at the family violence allegation, it focuses entirely on parental alienation.

There is very good research by Linda Nielsen in New Brunswick and Joan Meier in the Washington State looking at the very gendered family court responses when these two competing allegations, I don't even want to give them equal weight when I say it, are in front of family courts, and women are consistently losing parenting time, losing primary parenting time when the abuser alleges that she has tried to alienate the children from him. And even if she is alleging he has tried to alienate the kids from her, which happens a lot, he is not losing parenting time.

So we have to think about that when we think about how systems respond and why women, when they try to take matters into their own hands because systems are failing them, then see even further system failure, and those kids are now living with or spending significant amounts of time with the man who has abused and is probably continuing to abuse their mother.

MS. KRISTA SMITH: Thank you, Pam.

Several of you have talked to me in our preparations about how telling women's stories is one of the most powerful ways we can come to understand what it's like to be a woman who has experienced gender-based and intimate partner violence and the ways in which she might respond to that violence. We often heard it said, "Why didn't she call the police? Why didn't she leave? Why didn't she stand up for herself?" And each of you has had deep experience with women who have found themselves in these types of situations.

So I'd like to invite each of you now to share a story that may help us to better understand the circumstances common to women in each of the groups that you've worked with, and how those circumstances might shape their decision-making.

I'd like to start with Emma Halpern. Thanks.

MS. EMMA HALPERN: Thank you. So for me, in order to tell the story that I want to be able to tell, I am going to actually tell two stories, but they will be

interconnected. And I think for -- these two stories speak to what I identified earlier as in our work what we have seen as these two sort of parallel paths, but intersecting spaces, of ways in which we can address gender-based violence properly in our community. And of course, as I said before, one has to do with systems change work, really empowering survivors to participate in advocating for the changes that they see need to happen within their communities and within the systems that they're operating within; and the other is about building transformative and alternative relational systems of care in our -- that are supported and funded in our communities.

So the first story is a -- is Carrie's story. Actually, I'll start by saying, both -- there are two women, Carrie and Hailey, and both women are survivors of very, very severe sexual violence. Both women were taken by groups of men and gang-raped for multiple hours, and neither woman has yet seen any kind of sort of formalised justice for the violence that they both have -- that they both experienced.

But I'm going to -- so I'm going to start by telling Carrie's story a little bit.

So Carrie came to me through some of the work that we do at E. Fry about a month after she had been horrifically kidnapped, taken from a local bar and sexually assaulted. And Carrie's story is one of tremendous resilience, tremendous power, tremendous expertise in her own right.

So Carrie did everything right, and I think she's an important story for that because Carrie followed everything that you're supposed to do in our systems when you have been assaulted. Shortly after, in the morning after the assault -- and I -- to get a sense of who she is, she's a mother and that is predominant in her nature. And she -- the morning after when she -- after the assault had occurred, the first thing she did was take her teenage daughter to her soccer game and immediately from that she went to the hospital and got a rape kit done and -- to collect the DNA from this assault.

It would take too long for me to go into every detail of this story, but I think it's important to note that at no time in those first few weeks following this assault

did the police investigate this assault. It took 10 days for them to interview her. They didn't take her clothes. They didn't go to the -- they have still yet to have ever gone, four years later, to the site where this had occurred.

And so Carrie diligently, not knowing what to do, not knowing where to turn, took every note of every phone call, recorded it and actually did her own investigation into what had happened.

Many years later, she has had to fight at every turn for justice in her case. She has had to fight to extend the time period for police complaints, so she tried to make a complaint about what happened and was told that six months had elapsed and, therefore, she couldn't make the complaint.

She tried to address the fact that there were all of these harms and yet she could not seek any kind of compensation for the harm and was told, "Oh, there really is no duty of care owed to victims of crime and so you're very unlikely to win any kind of civil case".

She advocated over and over again to the policing -- to the various levels of police because it was an integrated unit that had RCMP and local police and didn't know who was who. There wasn't transparency to say this officer, for example, is under the HRP and this officer is under the RCMP, and so that's something really hard when you're trying to figure out and navigate the system. You don't even know where you're supposed to go to complain when something isn't happening. You don't even know who you're supposed to call when you're not getting phone calls back.

And Carrie did this diligently on her own day after day, month after month, year after year and continues on this journey and on this fight.

And what Carrie has said to me is that the healing for her has been in building through the community organizations and her family and her community and the people in her life building a platform and a space to advocate for change.

She's recognized at this point that she's not going to make change for herself, but that the healing for her is about making change for others so that others

don't suffer and go through things in the way that she has.

So the theme for me, for her, has been about finding community, identifying the people who are at your side, identifying the spaces in which there is change possible. And so that's often about finding the people within our systems who are willing to step up and say there is a problem here, this isn't working, we need to change, and we are here -- we will hear from the survivor and be willing to listen, to take that in and to try to work with community and the survivor to make that change.

I bring that -- I juxtapose that with Hailey's story. Hailey was a young girl who lived in one of our housing facilities and one horrible, horrible early morning was brought home by the police with her clothes ripped and terrible bruising all over her body and, you know, burns on her body after having been horribly assaulted after going out seeking drugs to feed an addiction that she had struggled with for much of her life.

Hailey came into one of our housing complexes and the first thing she said is, "I don't want the police involved. I don't want to go to hospital. I do not feel safe in those spaces, and what is the point". What is the point because I know from my experience, from the experience of my community, from the experience of my ancestors that I won't get justice, that there is absolutely no space for justice for me. Justice isn't designed for people like me, is what Hailey was saying.

And so our staff at our team made the very difficult decision of supporting her to not seek any sort of carceral response to what had happened, to not go down that road. They -- and along with the other women who lived in the house with her, they cared for her. For many days, actually, she was unable to sleep and there was always a woman who would not leave her room, who would rub her back at night when she was crying, who would help her to bathe when she felt she couldn't bathe on her own. And ultimately, would help her to heal.

And again, what I want you to see about those two stories is that the piece that -- the thread that runs through them is that thread of care, the thread of

community, the thread of relationship that we need to create space for when we talk about solutions to gender-based violence, that woman after woman that I work with will say to me, “It was my family. It was my community. It was my” -- it was the community organization that stood in the place for family and community because I didn’t have family and community that could step up, but that’s what helped me heal. That’s what -- for those who do choose to go through the criminal justice, that’s what allowed me to be strong enough to testify, to be retraumatized, to have to do -- go through this over and over again through our criminal justice system.

And we need to understand and value those community spaces and value them not just as this nice thing that happens because we care about each other, but value them by resourcing them, by making sure that there are funds available for people to provide that care and that love to help people to heal, to help people to seek justice in whatever ways work for them.

And so I’ll leave this with one last quote which comes from Carrie herself. She said to me in her experience, the criminal justice system was a form of abuse. It may not be physical harm, but it was mental. It is mental, it is emotional, it is psychological and it is financial harm to the point where it breaks you down. Because survivors are only seen as a witness to their crime, they become a piece of evidence. They are discarded so much by the criminal justice that they become dehumanized. I should have been using my energy to heal, and I couldn’t because I was too busy fighting for my story to be told and every fight was another harm done to me by the system. The criminal justice system almost took my life and then it almost took my voice, and I never would have been heard if it wasn’t for the journalists and community and people who took my voice and amplified it and gave me -- and I will -- this is my piece -- empowered her to speak and to be heard.

Since I had this great support network, I was able to fight. I need to know -- I need others to know that I am more than just a witness to my crime. I deserve to be treated with humanity.

MS. KRISTA SMITH: Thanks, Emma.

Pam.

MS. PAMELA CROSS: I'm going to tell a different kind of story, or tell it differently.

The story I'm going to tell is a composite story and it speaks to two myths that are daunting to any woman who's thinking about what to do, do I stay, do I go. The first myth -- and these myths are held by the general public. They're often held by family members, and they're certainly held by many of the systems that women turn to.

The first is that abuse ends when the relationship ends. We know that's not true, and it's time. That myth really just has to go away, but it is firmly believed.

We know in Ontario from the Provincial Domestic Violence Death Review Committee that actual or pending separation is, in fact, the most dangerous time for women, that the rate of homicide -- sorry, the homicide risk for a woman increases sixfold as soon as her partner knows or believes that she is about to leave him. And the first several months after separation, and that becomes much longer if they're involved in family court litigation, are the most dangerous in terms of both lethal and non-lethal violence. So that's the first myth. The second myth is the one, Krista, that you mentioned a few minutes ago. "Why doesn't she just leave? Why does she keep going back? Why doesn't she call the police?"

So my composite story, I'm going to tell in the second person because I want everyone who's listening to this, but I think, in particular, you three Commissioners, to feel as though it's happening to you.

You're in a relationship, you're in a common-law relationship, you've got two kids under 8 years old. You and your partner agreed that you would stay home while they were little, so you've been out of the workforce for quite a while. Your partner has a decent job. And your partner engages in coercive controlling behaviour.

He's never hit you. You've never had a black eye to show anybody. You've never had to go to the emergency room. But your partner controls every aspect of your life. Even though you've got a driver's licence he drives you anywhere that you go, and so if he doesn't want you to go there, you don't get to go there.

He is very visible in your community, in the children's extracurricular activities, in your family's religious institution, and he's seen as a good man. He's a good provider. He's good with his kids. And because he never lays a hand on you, nobody sees what he's doing.

You have no access to money on your own, you're given an allowance, and you get the next batch of that allowance if you show the receipts to prove how you spent the money you got the last time. You see your family when your partner says you can, and that's not very often. Your partner monitors your food intake to keep your weight where he wants it to be, tells you what to wear, and lets you know when you're wearing too much makeup.

Unbeknownst to you, your partner has put spyware on your cell phone and on your laptop, and so is aware of every communication you make. Anytime you might think to go and look for information about how to get out, he knows about it. You think about calling a lawyer, he knows about it.

And at this point, you feel like you're a hostage. You're terrified every day, and you've got no sense of yourself. But you finally summon up the nerve to leave. You'd put up with it forever if it was just you, but you're starting to see the impact on your children, and you don't like that, especially your son.

So you live in a rural community. There's no shelter. You go to your sister's house. She doesn't believe you. "I've never seen him do anything to you. You've never had to go to the hospital. All couples fight. But okay, you can stay for a little while." But she's in a small house. She's got three bedrooms, she's got a couple of kids of her own, you're all jammed into the basement, it's really hard on the kids.

You meet with a family law lawyer, who tells you, "You know,

coercive control, there's not really a lot we can do about that. It's really hard to prove. He does a lot with the kids, he'll probably get equal parenting time, and you're going to be expected to share decision-making with him."

You're in your small community. Everywhere you go you see him. You take the kids to their soccer game, he's there because he's the coach. You go to the same small church. Who can you talk to there that feels safe to you because they're all his friends. You go to the grocery store, he's there. He knows your habits. He knows that you have a routine in which you take your kids to the park Saturday afternoons at two o'clock, and there he is. Bingo. He's never come with you before, but now he's there.

So you go back because it's not worth it. It's more scary, actually, because, as Deborah talked about earlier this morning, now you can't see that look in his eye just ahead of time so you can get out of the way, so you can get back on those eggshells and make whatever he needs to have happen, happen. You don't know where he's coming at you from, and you don't know when he's coming at you. He's started to threaten you. Although there hasn't been physical violence, the threats are becoming increasingly terrifying, and now he's threatening to take the kids away from you. His family lives somewhere else, and he could move there with those children. So you go back, and you try again, and again, and again.

I've talked to women, in fact I talked recently to a woman, who, in a 25-year relationship, left more than 20 times. It's not that women don't leave. Women leave, and they leave and they leave. But because systems fail to meet their needs, whether that's the policing system, the family court system, housing, social assistance, healthcare, education, pick a system, because those systems fail women go back. And it took me a long time before I could say what I'm about to say: it is actually safer, as Deborah has said. It's not -- it doesn't appear to be safer for them to say, they're not deluded in thinking it's safer for them to say, it is safer for them to say -- to stay. Imagine that. In one of the wealthiest countries in the world, a country that claims that

women are treated with equality and respect, our system failure is so significant that it -- for many women it is actually safer for them to remain with a man who is abusing them.

That's my story.

MS. KRISTA SMITH: Thank you, Pam.

Deb. Can I call on you now, Deb? Oh, you're still muted. Sorry.

DR. DEBORAH DOHERTY: Pam has really told the same story that I might have told, but -- so I want to just make a few disparate comments and then not necessarily a single story.

In a lot of the domestic homicides that I would research, I'd look at every source I could, whether it was media, coroner's reports, court reports, and so on, I would learn that the victim, the survivor, sometimes not the survivor just the victim, had a sense that they were going to be killed or harmed, a premonition. In one case, the rural woman went fishing with her good friend, and she said, "If something happens to me", this is as reported in the media, "would you be a pallbearer at my funeral?" And she said, "Of course." And three days later, her husband, who was on a conditional discharge already for assaulting her, shot her and then shot himself. And people said, "Oh my god, she had a premonition that was doing to happen."

And I just wanted to be sure, this is not a premonition, this is being scared over, and over, and over again for your well-being. And she's not a psychic, all of these women who have premonition, they're not psychics. There are so many risk factors that they're dealing with that it becomes clear to them that something deadly is going to happen, and it usually does happen, and it usually happens with a hunting rifle or a shotgun.

So that was just one case, but that there were several, that it just struck you. You know, they're not predicting this violence out of nowhere, this is, you know, something that they should have been able -- the whole system should have been able to predict and prevent, and it wasn't there for a lot of the women. What was a person, who had been convicted and got six months conditional sentence, doing with a

firearm in the house in a domestic? Why was that firearm even there? Apparently he was drunk at the time, and people would say, "Ah, if only he hadn't been drinking", rather than "if only there hadn't been a firearm." So it's just a way to look at it.

The firearms, for me, is one of the biggest concerns, removing it from homes where there is domestic violence. I'll tell one story; I think I've maybe told it before.

An elderly couple in a very rural area of New Brunswick were having an argument and he was getting loud and obnoxious and she called the police, the city police, and they came. And she said, “I want him out of here”, so they took him to a hotel.

They did ask, “Are there any firearms in the house?” and she said, “No, no. I just want him out of here”.

A few days later, she called the police and she said he’s sorry for what he did and said and “I’m willing to let him come back, but before he comes back, would you come over and remove his two firearms, his long guns?”.

So this is the way the police put it. “So we went back to the house and we removed the guns that weren’t there”.

And I heard a lot of stories about sort of *ad hoc* remedies to removal of firearms, take them away for a cooling-down period and then return them. Take them over to his sister’s. Take them -- this is why I say with firearms remedies, just removal in the house is one thing. There’s the barn, as Pam said. There’s the boat in New Brunswick. Usually the fishers keep at least one or two on the boat. There’s a cache out back in the woods where you have your hunting shelter and so on. The guns are so prevalent.

I just want to read one quote from the firearms study that Jennie Hornosty and I did. The lack of attention to the safety of abused women is partly explained by the high tolerance to firearm abuse in rural homes, even by professionals. So the presence of firearms and the lack of attention to safety, that they should be

locked, that the firearm -- the ammunition should be separate from the firearm, that there shouldn't be loaded guns that get stored, what so many people told us is when those types of things occur that they're administrative offences and even if there is domestic violence in the house, the guns are treated not like guns and gangs in Toronto because they're legal guns and they have a legitimate purpose. They seem not to pass judicial scrutiny. The man gets a pat -- a slap on the wrist and the guns are returned.

I mean, that's just a scenario that was painted to -- for us quite often, but it's something that has to be addressed because the more -- when there are firearms in the home, the lethality threat escalates dramatically and, you know, to me, there's intersectionality with drugs and alcohol, with mental health issues.

New Brunswick has the highest rate outside of the territories of domestic murder/suicide, and that's probably largely due to the fact that murder/suicides are almost all committed with long guns.

So that's my contributions. There's so many different areas of life that impact on the ability of women to live or their safety if they stay that we could be talking about this all day, but I just wanted to throw in those few comments about the firearms.

MS. KRISTA SMITH: Thank you very much, Deb.

I'm going to take it over to Janet now.

MS. JANET MOSHER: We've heard a few very powerful stories this -- I was going to say this afternoon. I guess we are into the afternoon -- shared by Emma and Pam. And I think what I'll trying to do is to build on those stories. And those stories illustrate particular kinds of system failures.

I think the conversation this morning also revealed something really important about the endemic nature of those system failures, and that relates to the histories of colonization and the histories of slavery that are -- as pointed out this morning, there is the history that's important to understand, but important to understand what it means for the present.

And what it means for the present is critically important for understanding the ways in which systems so routinely fail women, and particular women are failed more often than others.

So I want to speak briefly to the experiences of women with precarious immigration status. And by precarious status, I'm referring to any woman who doesn't have Canadian citizenship.

There are many forms of status one might have from not at all, you're under the radar for border control, to you're a visitor, you're on a student visa, you have permanent resident status, you're a refugee claimant. There's many, many different forms. All of them have some degree of precarity that means you are at risk of potential removal from Canada without the ability to return ever or sometimes for a defined period of time.

I think for anybody in that category, there are additional layers of complexity and additional layers of created dependency. So for a category I didn't mention, seasonal agricultural workers, a dependency on a particular employer for your ability to remain in Canada for the duration of your contract or to return for another summer's work, for example.

Another category where dependency is created applies with respect to women who are sponsored by a spouse or a common-law partner. Very often, that sponsorship and permanent residency application is all processed while a woman is overseas, so she arrives with permanent resident status. She has more security than the next woman I'm about to describe, but she still has insecurity, moreover, very often, she does not have adequate sound legal information about her status and what that entitles her to, which creates lots of opportunities for abusers to manipulate information and render her at risk.

The other category that I wanted to speak to are the category of women who are in Canada and the application for their sponsorship happens inside of Canada. It may be, for example, that we have a woman who comes as a visitor to visit

with her fiancé in Halifax, and he's a Canadian citizen. He says, "Let's get married and I will sponsor you", and they marry.

And he's promised that he will initiate this sponsorship and application for her permanent resident status.

Her visitor visa lapses. If he's not initiated that application, she has no status to remain. He will often threaten that he will have her deported and, of course, he doesn't control that, but legally, if she is without status and he reports her to Canadian border control, she is likely to be removed.

And in many abusive relationships, that's exactly what happens.

There are other circumstances where he will actually start the sponsorship but threaten her that if she discloses the abuse to anybody, he will revoke the sponsorship. If he revokes the sponsorship, she has no status.

That threat of potential deportation is enormously powerful, and what we know from lots of research, lots of the stories I've heard from women is that they remain in abusive relationships for many of the reasons we've already heard, but in addition, because if they leave, they potentially risk removal from Canada.

If they've had a child, it becomes even more complicated, of course. The father in my hypothetical is a Canadian citizen. The child is a Canadian citizen. The mother may be without any status.

So the other thing that he will threaten -- and again, men threaten this in all kinds of circumstances -- is that they will take away from a woman what might be most precious to her, and that is her children. And that happens in lots and lots of custody disputes. But in this context, the threat to take the children away from her arises because he can trigger a legal process that results in her removal from Canada. He'll start a family law application, and in the family law application in presenting the parenting plans, he's often in a much better position to offer a parenting plan for how he can ensure the stability of the child in Canada, that he will explain all of the benefits that Canada has for the child. He will also point, often, to a mother's attempt to try to

regularize her status, so she may have taken some other steps to try an alternative route to get permanent residence status, is to say it's clear the mother thinks that it's in the child's best interest to stay in Canada as well.

So what women face is the prospect, not only of their removal but that they will be removed without their child.

The avenues -- the alternate avenues to try to secure permanent residency are very limited. There was an important development in 2019 with the creation of something called a Family Violence Temporary Resident Permit, but it is a Temporary Resident Permit; it provides, initially, for up to six months of a Temporary Resident Permit; can be renewed, but it doesn't create permanency. There is a route to what's called a Humanitarian and Compassionate Application where domestic violence will be one among many considerations.

Another important consideration will be your establishment; how well established are you in your community? If we think to Pam's description of coercive control where you're incredibly isolated; you're precluded from forming social connections with members of your community; you're denied the ability to work, your establishment evidence will be very limited.

So for, I think, women who experience that kind of precarity, again, the threat to have her removed, to have her removed without her children is very, very powerful in keeping women locked in those abusive relationships.

And maybe the last thing that I'll flag here just relates as well to a status -- a different kind of status point that I made briefly earlier this morning. And that is, if we look at systems like Social Assistance, social housing, access to those systems, to those potential benefits, though they're often limited, underfunded, under-resourced, will depend on your immigration status. So if you are without status, for example, in most places across the country, you would be ineligible for Social Assistance benefits. So you don't have other avenues that will provide that support for you should you leave the relationship.

The final point that I want to make, and I just goes back to, again, an earlier conversation, and this is some of the system interaction.

All kinds of reasons we know why women won't contact the police. One of the things that we haven't touched on is concerns about women themselves being criminalized when they contact the police.

So we know that post the introduction of mandatory charging policies, for example, there was an increase, first in the number of dual charges, and then in the number of women being charged solely.

I appreciate there's huge challenges for police officers investigating in the moment to figure out the history of the relationship and to determine who is the dominant or primary aggressor. But the reality is, many, many women who are survivors are criminalized.

In the immigration context, if you are a foreign national and you're convicted of an assault, you are inadmissible to Canada, even if you are a permanent resident, and let's say you're charged with assault with a weapon -- women are more likely to be charged with assault with a weapon. Common weapon; cell phone.

If you're charged with that offence and you're convicted, even if you're a permanent resident, that offence fits under what's called a serious criminality provision and you're inadmissible to Canada. So even though you are a permanent resident, now you face potential removal.

So complex system intersections arise there between criminal and immigration law.

And another complicated system intersection is family and criminal law. And there's many, many things here but one thing that I just want to flag is that women will be criticized in the family law context often, whether or not they've gone to the police.

If you haven't gone to the police, your story is rendered as potentially implausible; if it had truly happened, you would have gone to the police. But

if you went to the police, the narrative is flipped on its head and you're a woman who has concocted a story in order to get an advantage in a custody proceeding.

So for women, it's incredibly difficult to figure out, even with good legal advice, let alone without any access at all, but even with good legal advice, hard to figure out what is a path forward that provides safety for her and for her children.

So I'll finish there.

MS. KRISTA SMITH: Thank you.

Lorraine, can I take it to you?

MS. LORRAINE WHITMAN: Thank you.

There's not one, in particular story, that I could go on, because I have heard so many tragic stories of our women, and the hurt and the pain that they've gone through.

But in saying that, you know the question you ask; why? Why didn't they go to the police? Why didn't they go to the hospital? Why didn't they go to the RCMP? And then when I look at it, why, because it was the police that would take our children out of the homes for residential schools, the Sixties Scoop, and I can attire o that because I remember my floor siblings being taken out. And I can remember, and I still hear it, "Run in the woods," when a police car would come in the yard or into the community so that we would be protected because then Mum had the excuse, "I don't know. They're outside playing or whatever." But, "Run! Run!" And that's instilled here.

So yes, why do we not go to the police? Because of that. Because they're the ones that took us out of our home.

Why would we not go to the priest? Someone we're supposed to, you know, the man of the cloth, the women of the cloth, the nuns, why didn't we go to them? Because we were sexually, physically, and mentally abused. And we couldn't even speak our language. Why wouldn't we go to these people? Because I speak Mi'kmaq; I don't speak English very well. They don't understand my language. There's that barrier that's there. How can I explain in my language what's happened to me

when I know that you're not going to listen to me? Why I would I not go there.

And a safe place; as Emma had mentioned before, we need a safe place, but as we noted in COVID, many of our women in rural communities and in the country where they're in an isolated communities, how could they get a ride into town when you're supposed to be self-isolating in your home; you're living in a home with extended families, two-bedroom home and you have 20 other people living there with you. You have your children, you have your mother, you have your grandchildren, and you have the perpetrator who has an addiction. One of his addictions is alcohol/drugs, the other one is abuse towards his wife. He's not abusive to the children or his mother or the grandchildren. But these children are still being violated and being abused by listening to the words that he's saying to his wife, and words that I would not repeat but I'm sure that you could understand and hear those words of an abuser yelling at her who's under the influence of alcohol and drugs.

Where can she go? There's no transportation. We have the Highway of Tears, and we have the Greyhound buses that were stopping to go in that route, and that is one of the main route areas where many of our women have been found dead on the highway, in the wooded area. And what is the government doing? Have they made a way for transportation, for protecting the women, the children, and any person, no matter what colour, race, religion or what have you? Are we being protected in transporting and going here and there? I'm sorry, no, we're being -- it's a failure. We're not doing well.

In this country of Canada, where we're supposed to be doing well for our people, it's a failure for the Indigenous people, and for many of our women that we're speaking about at our table, and for the children. Later we'll give some ideas how to be able to rectify because I certainly don't have the answer and I've been working in this area for a number of years. But at the same time, here we go again. Everything goes back to the whole bit, who do we ask?

And we are in desperate need, and yes, I can understand where

you're coming from where women are staying in that situation. And people say, "Well", pardon the expression, "Why the hell didn't you get out of it?" Why would you? Because you're threatened that, you know, "I will", blank-blank, "slit your parents' throats, I'll shoot them." And you know there is guns and there's rifles, there's weapons that are there. And you know if he's in an anger situation he would very well do that. He would take your children from you. And I'm using the word "he", but it's also "she". There are woman partners out there that would also do that, as being a perpetrator.

Why -- our children? We borne our children for nine months, and we're there to protect our children. That's what we're there for as mothers, and we will do everything to protect them. We're like the bear, and if you start poking the bear the bear's going to poke back. But we know as women we can't poke back because it'll make the situation worse.

And our children, we know what it's like for our children to be taken from the family unit because we were one of those children that were taken away from our parents. We know the hurt and pain, and we don't want that to happen to our children. They're too vulnerable. And a child, if you're in that situation and you work with the people that I've worked with, you will know that that child will lie just to keep their mom and dad close together because they don't want to lose either their father or their mother because they're too close to their heart, and they will do everything in their life to keep that family unit together.

They're our little warriors. They say we're a warrior, we aren't, it's those little children that are our warriors. And we have seen with the TRC, the Truth and Reconciliation, the remains of our children that never, ever come home. And we've seen a young little boy, Landyn Toney, who went and walked from Sipekne'katik to his community because many of those children never had the opportunity to go home.

So that question, "Why wouldn't you?", and it's a question we shoulda, coulda, woulda. But you know what, we couldn't.

So I'm just going to leave you with this one area, and it's a poem

that we've done with Sisters in Spirit, and the poem itself says:

"He hit me, but he gave me flowers the day after and said, 'I'm really sorry.'

We went out a month later. We went to a dance and I danced with a friend of ours we've known for life. I went home, and he called me every name that you can imagine, and I felt so bad that I even danced and had fun. And he hit me, and he hit me. I said, 'I'm sorry.' But the next day, he came home and he gave me another bouquet of flowers.

We went to a family barbeque a month later, and I was laughing and joking, and there were other friends that were there. I went home that night. He hit me again, and he kicked me in the stomach. But you wouldn't see where the bruises were because no one could see me, it wasn't bruised on my face or my arms or my legs. And I was so sore that I could hardly get up to get breakfast the next morning for him. But that night after work, he came home and brought me a beautiful bouquet of flowers. And I love those flowers. And I said, 'Thank you.'

But then the next time we went out, and I smiled at a friend of ours that evening when we were in the bar. We came home. The children weren't home that night. He kicked me, he beat me. And three days later, I had the most beautiful flowers that I could imagine, but I couldn't say thank you. But I did in my spirit because he took my life that night, and I thanked

him for relieving me of the pain. But I did have beautiful flowers." (As read)

Wela'lin. Thank you.

(SHORT PAUSE)

MS. LORRAINE WHITMAN: There's just one word I did want to... I just wanted to say listen, and let's not leave anyone behind.

MS. KRISTA SMITH: Thank you for bearing witness to these stories.

When you feel ready, Rachel, we can go ahead.

DR. RACHEL ZELLARS: Well, it's the hardest task to go last. I want to start with gratitude because that'll help bring me back into my body.

I want to thank all of you for providing a picture that I wish I would have had as a younger woman about what we encounter in the world as women. Thank you for providing the words.

Pamela, you in particular, thank you for -- you know, I was -- I was just writing some things down as you were speaking. What you have given us with your story and with your earlier statements is this beautiful and rich living fact or rationale for why margin to centre, as we call it, you know, bell hooks gave us this book so long ago, but why margin to centre thinking, planning, design is the only way, is the only way. And that idea is that those of us in a society, in a community that live with the most complex experience are those that produce the most detailed knowledge, always. And if we take those voices, those people that you described to us so perfectly, and bring them to the centre of our world, our understanding, our design, we ensure that no one gets missed, and so I just want to thank you for that.

Let me gather myself. I'm feeling better now.

I want to end with a story about home because it's my home that at 50 has made me realise, wow, that's where I get my greatness from. Home has made the best parts of me. And home is also the place that has taught me how to become an

Olympic swimmer in the grey space. The grey space.

I just returned from central Pennsylvania, that's where my mother's family is from. It is a, Northumberland County, a deeply rural and small town region of central Pennsylvania. I was born on a farm in Upstate New York, but my mother's family has been in this county, literally, Northumberland County, since the 1700s.

This county is now Trump's country, where every front porch American flag is, for the first time in my memory, paired with a Gadsden flag, that's that yellow "Don't Tread On Me" flag that were so prominent during the truck convoy occupation in Ottawa; or that front porch American flag is now paired with a Thin Blue Line flag. Both of these icons communicate one thing. I mean, they meant different things a hundred years ago, right, or 1950s in the context of when the thin blue line came to be, but now both of these icons throughout North America communicate an allegiance to either Trump, himself, or the politics that are his politics.

And so when I go home and I see the same people in our little grocery store, or our local pharmacy, who have known me and my mother and my grandmother over generations, I have to be reminded that these people who have goodness and love and care and also those flags on their porches may not be ideologically aligned with white supremacy. They don't belong to the "Proud Boys" or the "Boogaloo Boys", but they know how to perform its function.

One does not need to be ideologically aligned with white supremacy to do its work, to perform its function.

My mother's county, as I was getting ready for today, Northumberland County, is one of the poorest in the state. Many of you have heard about the Appalachians, right. My mother was a nurse before she died of cancer and would tell me stories about women coming down from the mountains with such advanced forms of breast cancer that their breasts would be filled with maggots.

I spent a lot of time in this community, and it was here a few years ago that a cousin called the police to her home one night during yet another incident of

domestic abuse. Her husband had threatened to kill her, as he had done many times in the past, but this time he grabbed a loaded shotgun.

My cousin called the police. Lots of small-town stations sprinkled throughout central Pennsylvania. And then she barricaded herself in her trailer bathroom and locked the door.

Five or six officers showed up pretty quickly, I would say within less than 10 minutes. And they convinced her husband to put down that gun before calling out to my cousin. But before she exited the bathroom, she yelled through the door, “Are you sure you have the gun? I’m afraid my husband is going to kill me”.

But those officers responded, “Yes, it’s safe for you to come out”. And when she opened that bathroom door, her husband raised the rifle that had been resting on his lap and he killed her. He killed her in a small trailer with five other armed state officers who could not protect her, who could not guarantee her safety and who actually, in fact, ensured her death that day.

I want you to think for just a moment of the 400 officers who arrived at Robb Elementary School in Uvalde, Texas on May 24th and stood in the hallway for nearly an hour and a half while an 18-year-old boy killed 21 fourth graders and two teachers. Like my cousin, these officers began arriving en masse mere minutes after the shooter entered the school. Like my cousin, these teachers and children called out to officers, “Are you sure? I’m afraid I’m going to die. Are you coming?”.

And they did despite the presence of 400 officers inside and outside of the school.

Regardless of your views on issues, inflammatory language such as “abolition” and “defunding the police”, these stories, my story, thousands of bystander and body cam videos such as those archived by T. Greg Doucette, that is D-o-u-c-e-t-t-e, and as many, many scholarly studies confirm, the state cannot protect you, police officers cannot protect women. They are not equipped with the training and skills of de-escalation. They are not trained with the care that gender-based violence and

interpersonal violence demands and, importantly, importantly, policing is the institution where intractable biases and stereotypes mundanely mean the life or death of human beings in our world.

These biases cannot be trained away. Let me say that again. These biases cannot be trained away.

As Emma said so beautifully, and I know we will discuss in a few moments, there are other ways of doing things. For the sake of all of us, there must be other ways of doing things.

I want to ask everyone to do just one more thing before we move on. Recently, a friend of mine, a police officer, a childhood friend -- we go way back; seventh grade. He said, “You know, Rachel, you should look at the video camera in the aftermath of Ahmaud Arbery”. He was that black jogger in Georgia who was running through this neighbourhood and was executed on his run.

In that police video cam, you can see Ahmaud Arbery lying on the ground in the pool of his blood. He’s dead. And a dozen or so officers are walking around in the yard under trees in conversation with one another as if they are attending a Sunday picnic. The bodycam video is available on YouTube. Most telling is a female officer, a white female officer in that video, who spends 10 minutes -- I counted -- wandering from colleague to colleague to colleague in search of one thing, a bottle of water for Travis McMichael, who’s hot and covered in the blood of the man he has just killed.

Travis McMichael is the same man who would be convicted to life plus 20 -- I don’t even know what that means -- for murdering Ahmaud Arbery simply because he was black.

These biases cannot be trained away. These biases cannot be trained away.

As we close today, I look forward to us, you know, being generative together and sharing the wealth of knowledge that we have about, as Emma, to quote

you again, the other ways of doing things in the world.

Thank you.

MS. KRISTA SMITH: We have a little over half an hour left together. Are we okay to go?

Okay. Emma, what are some other paths forward?

MS. EMMA HALPERN: Thank you.

This is -- I don't have a lot of words for what I'm feeling right now, so.

Okay. Three billion dollars were spent on prisons last year in Canada. Three billion dollars were spent locking up and traumatizing and torturing some of our most vulnerable and marginalized citizens.

I can tell you when I go back to my example that the women rubbing Hailey's back didn't receive a penny. They were working overtime, spending hours that are not funded in our systems. We don't fund care. We don't fund community. We don't fund love, even though we know that is what's needed. And to me, this is the big disconnect. This is the big disconnect when we talk about implementation, is that we have marginalized these ideas of love and care, I think, in part because we also feminize. They are sort of women's work, quote unquote, or women's concepts and are, therefore, less valued, and yet we know that this is what works.

We've heard scholars for the last two weeks tell us what we need, and it is supporting our communities, it is listening to our survivors, it is creating caring community that provides navigation and support and advocacy and sits with individuals who are in pain and walks them through these incredibly difficult times and moments. That is what we need.

We need communities of care and love and we need our institutions and our governments to understand that and support that and fund that.

What we know we don't need, to go back to what Rachel was just

saying, is we actually don't need any more policy. We have great policy. We have lots -- we actually have great laws, as a panelist said earlier, in this country.

We have more training than we can wrap our heads around, trauma-informed training, culturally competent training, training, you know, anti-bias training, and yet it isn't changing anything.

And what we definitely don't need are more reports with hundreds and hundreds and hundreds of recommendations that just sit on a shelf.

I think what we've all talked about today is that this is about a wholesale change, that the time is now for that. We have been tinkering in the margins of changing these systems for a very, very, very long time and we can no longer let this important work be relegated outside of the -- of what we call mainstream, of what we call the system. And so you know, it's time for some really radical options.

I said this to some of my colleagues the other day and they were laughing because it seems almost incredulous. Like what if, instead of -- what if those who are building our prisons, for example, or funding our -- you know, building our new courthouses had to justify that money every six months, had to write reports that then, you know, were reviewed and then every six months had to write another report and justify every single penny that was spent. It would look very different. It would look very different because that's what those of us in the community are required to do. We have to evaluate every single penny and prove that it works.

The beauty of that is we actually know what works, but we aren't funding it. We know what works.

And so on the ground, I think we've talked about it today, and I'll go quickly because I know others will have many things to say, but we need to look at who is first on the scene when there's a crisis. We have this idea in our community called mobile mental health crisis and when you call because I call it a lot, you are on the phone for hours and when you get through, you're told that maybe someone can call the person in crisis but you're waiting 24 to 48 hours for someone to actually arrive and if

you need someone there, the only first responder will be a police officer.

We need funding for housing. I have a client right now who had to move three hours away to get to a shelter around domestic violence so she -- because for her -- to respond to her domestic violence, and all her court matters are three hours away and there's no funding for her to get back there to get back to the court.

So we need housing in our communities, supportive safe housing, and we need transportation. We cannot -- communication and transportation, these are basic, basic needs that we don't have in our communities.

And we need to really think about the way that women, gender diverse folks, marginalized communities are treated in the day to day within our -- within these systems. It is not enough to put it on paper. We have to ensure that we are coming back and treating people with humanity, that humanity is the cornerstone of our work, that care, love, concern, respect, that these are fundamental needs in every one of our systems and we don't have that right now. We don't see that in our courts, in our interactions with police, in our -- you know, in any of our -- in any of our institutions.

At the end of the day, the most important thing that I want to leave here with is we need to listen to the people who experience this day to day. They are the experts, the survivors themselves, the stories.

Rachel's story, you know, about her own life, lived experience, these are the experts. That's what draws us and gives us our expertise. We need to value that expertise and not see it as a nice add-on and a friendly sort of thing on the side. It has to be central to how we understand and shift and change what we do.

I'll leave it at that.

MS. KRISTA SMITH: Pam.

MS. PAMELA CROSS: When I started doing this work, which was as a lawyer, it was about 30 years ago, we were working really hard to tell women that they should tell their stories, that they could tell their stories, that they were allowed to talk about the abuse that had happened in their relationship. And now I'm 30 years

older, and I feel like that was the wrong thing to tell women, and that is the saddest thing, maybe, about all the work that so many of us have done because when they tell, as you've heard from all of us this morning, the systems don't help them but, worse than that, they sometimes make it less safe for them than if they had just kept their mouths shut.

I don't tell women not to tell because our voices are all we have, our stories are all we have, our truths have to be told. But when I work kind of with one foot inside system and one foot outside them, I increasingly think, "Why would that woman talk about abuse in her family law case?" because the minute she mentions it, she reduces the likelihood that she's going to get an order that'll keep herself and her kids safe.

So that's not how we go forward, but it's where I'm sitting right now, and it causes me so much anguish because I don't know where to land with that. My work has always been driven by what women have told me, and I don't know what to say back to them any more.

I also don't know what to say, and fortunately I don't have to, to a 12 year old girl in Renfrew County who had a girls' empowerment group meeting a few months after the triple femicide in a discussion about healthy relationships looked at the facilitator of the meeting and said, just in a completely calm voice, "Right. So sometimes you argue and sometimes they kill you".

That's not a world I want to leave to my grandchildren, so what do we do? Well, we do everything that Emma has already said. We insist on accountability, on independent accountability and oversight. We need a plan. We need a plan that means that wherever I live in this country, I can expect equally to be treated properly, so something like a national action plan that also takes into account the unique realities of different parts of the country.

This is a very specific thing. We need funding that understands that it's different to run a shelter in a city compared to in a rural environment, that it's

different to deliver any service in a rural environment where you have to look at travel costs on top of everything else, where if you want to have an expert come in, that's going to cost you more money. Funding formulas have to stop being defined by population numbers and have to look at what that community needs.

I think we need more programs like Ontario's Family Court Support Worker Program, that provide -- that program essentially provides a navigator to a survivor of family violence as she makes her way through the family court system, and we need that in criminal court, too. You know, I'd like to say let's get rid of family law and criminal court. That's not going to happen, at least in my lifetime, so we need to make them work better.

And then -- and I think you've heard this from all of us this morning. We need to engage communities because that, at the end of the day, is where we all are. Now, whether we define our community geographically or by people that we've chosen to surround ourselves with, it's equally true.

And so I'm going to end by reading two very short quotes from the community consultations I held in Renfrew County prior to the inquest. In one, a community member said:

> "To survive you have to live in a community that takes responsibility for your safety. It's fine to hope that the courts will do it and the police will do it, but at the end of the day, it's your neighbour who's going to do it." (As read)

And then a justice system worker said:

> "You can have the best or the worst safety plan in the world, and it isn't going to matter a great deal in the end. What's going to help keep you alive is someone keeping an eye. I don't mean police, probation and counselling services, although all of them have a role,

I mean the community, friends, neighbours, and employers. Bystander intervention has to be taken to a whole new level." (As read)

Thanks.

MS. KRISTA SMITH: Thank you.

Janet?

PROF. JANET MOSHER: I think you've already heard some really terrific and important recommendations of what we need to do in building the kinds of alternatives that Emma has described so compelling. And I think what I'll do is to spend just a few minutes perhaps focussing on some of the system changes because it will be the case that even if resources are available, as they should be, to create the alternatives, these systems continue to powerfully shape women's lives and women's safety.

And we know, and again, this is something that I don't think we've chatted yet about, abusers exploit those systems to further their power and control. So it's very, very common for an abuser, for example, if the woman is in receipt of social assistance, to threaten to report her for welfare fraud, to have her cut off benefits. Abusers routinely contact child welfare authorities to say that the mother is abusing or failing to protect the child. Men will contact Revenue Canada to have women cut off the child -- the Canada Child Benefit. Men, abusive men, just routinely engage with those systems to disentitle women to make women more dependent, precisely to increase their power and control.

So when we think about system reforms, and again, I think we learned this from listening really closely to women's experiences, we need to be paying attention to ways in which those systems are exploited by abusers. And I've give only a few examples, there are many, many more.

Emma's already mentioned housing, social assistance. The lack of access to adequate housing was identified in an inquest in Ontario, maybe two decades

ago, the May-Iles Inquest, that access, priority access to safe housing was critical for women's safety, yet it's decades later and we do not have quick access to priority housing.

Social assistance rates. When we interviewed women who had experienced abuse in the relationships who were in receipt of social assistance, many had returned to or were actively contemplating returning to the relationship because they could not survive on benefit levels. So the inadequacy of those rates, the costs of housing were driving them back to abusive relationships.

They're also very, very aware that their inability to be able to adequately provide housing and food for their children meant that they were likely to have child welfare authorities in their lives, and for many women in Indigenous and Black communities, it's poverty that leads to the child welfare involvement and often to the removal of children from their mothers. So adequate funding for housing and social assistance I think is critical.

And maybe I'll just end by saying I think for so long we have centred the criminal justice system, somehow imagining that the criminal justice system will make women safer, children safer, but I think what you've heard today, and perhaps on other days, is the criminal justice system does very little to make us all safer, and it very often, again as you've heard, increases the harms for women and for communities. So we need to decentre the criminal justice system.

I started this morning by talking about this mapping of laws and saying, oh, you know, we've had lots of developments in different areas of the law to recognise domestic violence, and all that's well and good. But the important message, and I think it's come out clearly in the discussion is that those legislative changes are absolutely irrelevant and perhaps harmful if they're not accompanied by meaningful resourcing and if they're not delivered by people who have the knowledge, experience, and sensibilities to be able to deliver them in the manner that's intended.

We've got loads of evidence over the past few decades, for

example, about reforms around sexual assault, lots of evidentiary reforms, many other kinds of reforms, but women's experiences haven't changed in a material way. The experience of being engaged in a criminal process is still profoundly traumatic. I think Emma described this really, really powerfully.

So again, I just want to be clear that the statutory reforms, they can be important, but they can also be deceptive. We deceive ourselves when we think that statutory reform is all that's needed because the resources and populating systems with people who care, love, understand is really what's critical.

MS. KRISTA SMITH: Thank you, Janet.

Deb, I'm going to take it over to you to talk about the paths forward that you see.

DR. DEBORAH DOHERTY: One of the things I think in the little bit of time we have left that I want to focus on is the role of community. We know from research that the development or the availability of social networks and wraparound services greatly reduce the likelihood of domestic violence and domestic homicide, and yet, they're not really in the picture that much in terms of how can community play a role.

I have started over the last few years saying what I have seen in the research I'm now coming to label as "don't ask, don't tell." For a lot of the reasons that have been identified today, telling is not always a productive strategy, especially if you're telling the criminal justice system, the family law system. But what about telling your friends, family, neighbours, co-workers, you know, this is something like the Ontario, what do they call it, neighbours, friends, and families; in New Brunswick, we have the safer communities. And I think that what -- the section in our research about friends, family, neighbours suggest that they're not responding in a particularly helpful way when victims ask -- tell them or disclose.

And I just want to read what it says here:

"I think the community cares, I really do. I think the

community doesn't, you know, by any means condone domestic violence, I don't think that's something they like to see. But at the same time, I don't think community really wants to deal with the issues of such. They prefer to see something like a transition house or a committee handle it." (As read)

And it goes on to say, you know, that in a rural community it's two-fold, you want to help, yet in the same sense there's pride. They don't reach out for help and if someone approaches them, like a well-meaning minister, they'll deny it. It's very common for it to be a total non-issue. And from a victim's perspective, we heard people don't take it seriously. If you go around saying you're abused or that there was a firearm involved, they're just, "Oh, that must have been bad.", and that's it. You know, they really don't take notice.

So I think that don't ask, don't tell has arisen out of some of those kind of misconceptions about how you could be helpful or what you can say. Certainly we had women saying the busybody factor or the -- the fact that rumours will start and those bad rumours will escalate, is another reason why you don't bother telling people in your rural community.

And I think -- I don't know what the remedy is, whether it's public education campaign or how we go about making community more responsive and not, say, offload it to police transition, transition house. They're the only ones that can help.

If having a social network of friends and family, neighbours who do make a difference in your feeling of safety and your actual strategic -- when you are help seeking, how you will strategically be able to do that if you have helpers, I think it's something that has to be part of the overall strategy for moving forward.

MS. KRISTA SMITH: Thank you, Deb.

Lorraine?

MS. LORRAINE WHITMAN: Thank you.

You know, we've all looked -- we have so -- even though we're from a diverse area sitting at the table, we all have camaraderie here and we all believe in the funding and we all know the issues and concerns, but one of the areas that I deal with as an indigenous person is that we're under the federal jurisdiction. We're not of the provincial and we carry a status card that dictates I'm from Glooscap First Nation. Someone else may be Membertou First Nation, whatever their community is. Therefore, you go back to your community and you get your help.

That doesn't help anyone who's in a violent situation who's trying to get out of it.

We need those barriers, we need those walls removed so that we can go anywheres, whether it be provincial or federal. We've seen that with Jordan's principle, a young little boy who needed to go for surgery but was unable to because the government, the policies and the laws that were out there wouldn't pay for his bill. During that time of the government and the policies dickering between themselves, a young boy died.

We don't want that to happen to any more of our women, our girls or our gender diverse community. Our lives are important. It may not be important to you, but it certainly is important to me. It's important to those families who lose a loved one.

We've gone into NAP, the National Action Plan. At that same time, when we do that National Action Plan, we've gone into the National Inquiry into Murdered, Missing Indigenous Women and Girls, also known as MMIWG. We've gone to the reconciliation, the truth and reconciliation that Senator Sinclair had gone through and what was needed, but has anyone ever read that? Has the government really read it? Because there were dollars that were supposed to be out there to be able to help the families that have gone through.

The National Action Plan, it's from the survivors of the Missing, Murdered Indigenous Women. The recommendations were there, but then the

government goes and says, “Okay. We need another survey. We need another report”.

MM mentioned that we go through more reports, we spends thousands and millions of dollars getting more information that’s already been out there, $92 million, 1,200 pages, over 1,500 people giving their testimonies. They’ve already put the recommendations in there, and that’s not from all of the people who have lost a loved one. It’s only some because they know that why would I go and devolve my soul again in hurt and pain when nothing’s going to be done.

We’re still waiting for dollars. I know you mentioned billions of dollars that have been given. I know that with the indigenous community, billions of dollars have been given. But when you start dividing that into 500 and some-odd First Nation communities, the indigenous institutions, the organizations on and off reserve, it gets really political and then, at the end of the day, how money’s there. How much money goes back to the government to be able to divvy these dollars out when it’s for the indigenous communities to the people that count?

We have women, girls, men, community members that do all of this work voluntarily. They don’t get paid for it, but they should be.

There should be some sense, whether it be for driving people to their appointments. And when we look into the women in the institutions, many of our women said they don’t get incarcerated. Their timeframe is so tight they’ve got to be this appointment, this court case and if you’re not there, then you’re penalized for it, but you need someone to take you there. And many of our vehicles aren’t A1 vehicles. We call them shippy shakers because we may not make it there in the time. We may leave early, but we’ll get a flat tire. We don’t have money for extra gas that needs to get us there so that we can keep our children at home with us.

We need the proper funding. We see funding that’s given out but, you know, for us to be able to help, we’re on a proposal base. Non-profit organizations proposal base. We’re all going for that same dollar.

I mentioned it at the beginning, that cob of corn which we’re all

going for for that extra funding. The funding's not there.

We're fighting with our own women, our own people for the same amount of dollars. We need core funding so that we can continue doing the work that we do because the proposal funding, it doesn't fit us. It's no value because it's set up for failure because once we have something going and it's working good, that proposal and those dollars may not be there later on in the day.

So then all the people that we've helped, it's not helping because they're being -- again, they're stepping back because the dollars aren't there, the programs aren't there, the resources aren't there.

We do need safe places. We need -- in the 231 calls to justice, we need health and healing centres, we need resource centres, we need healing. And the only way that we can do it is if we come through the back door to have our healing spaces so that we'll be able to heal so that we can help the future generations coming up. But if we don't have those healing spaces, that safe space, we are not helping our women at all.

I just wrote a few more places. Again, with incarcerations, I believe we need *Gladue* reports. What are *Gladue* reports. Reports is where -- she's looking at me and she's saying, okay, give me your background. Where did you come from, what's your background? Is there alcohol, is there drugs there? Were you a residential school survivor? Were you a sixties school survivor?

She looks in everything that I had in my past history to where I am today. We need that information so that we can help our women in a better way so those *Gladue* reports are there so that the system can look at those and truly read them so that they understand where we're coming from, what we did. We didn't steal food because that's just something I did. I have no money. My -- I can't get a job. I'm not employed. I'm not even educated because it's only been 50 years that the indigenous people could go to get their education for post-secondary or what have you because if they did, then they would have to renege their identity as an indigenous person and

then where are we. We're nothing.

And it's only been since 1960 that the indigenous people could vote. Not only just being a woman, but could vote. That's not that long ago.

We have not progressed in good ways for a long time. We're moving forward, but we still have a lot to do.

In saying that, I just wanted to leave it at the very end with, you know, when we get on the lines and people that are talking to us and people we see, when they say get over it, that happened 50 years ago. You can't get over it.

You know, we need people -- we need education in all institutions, and I'm talking about the government system as well because we need allies. We do not need partnerships. People tell us, you know, we'll work as partnerships. Well, partnerships and allies work two different.

I'm just going to give you a quick example. A partnership is when I see the black Escalade on a paved road above a river where I'm going to be canoeing and they go down a beautiful paved highway five kilometres down. I'm in the water. I'm in my canoe and I'm going to meet them five kilometres down and I'm canoeing.

I come to rapids, I come to barriers. I even have to Portage, so I take my canoe out of the water, I portage in the woods with mosquitoes, black flies. I'm sweating. If we had heat like we're having today, it's 35 degrees. I'm not in the best of shape but I do it because I know at the very end people are going to be looked at.

I portage, I get back to the water, I'm dying of thirst. I drink the water. The water isn't even drinkable, but I drink it because I need it. I continue down. The Escalade's been there already an hour and a half before I even go a third of the way. I get in the canoe and I'm paddling again as fast as I can. I get there again. Is that what partnership is?

That's the way I see partnership because I'm down here struggling, and these people in the black Escalade with suits are not struggling like I am. I want an ally, where those people in the suits, if you want to canoe in your suit, that's fine, but

you're canoeing in the same river as I am with the same type of canoe so that we can get to the end. That's my ally.

So we need to change that in our heads from partnerships to allies. That's what we need as Indigenous people. Wela'lin.

MS. KRISTA SMITH: Thank you, Lorraine.

Rachel?

DR. RACHEL ZELLARS: Thank you. How are we for time? We have 10 minutes?

MS. KRISTA SMITH: Five.

DR. RACHEL ZELLARS: Five minutes.

MS. KRISTA SMITH: Plus -- and for the Commissioners.

DR. RACHEL ZELLARS: Yes, I'm going to speak fast then.

MS. KRISTA SMITH: Yeah.

DR. RACHEL ZELLARS: In 2012, I was approached a woman in the community I was living in. At the time, she asked me for brunch, and when we had brunch she shared with me that she had been raped by a man who was my mentor, who was sitting on my PhD committee at the time. And it just cracked my heart open, and it made me realise that I needed some kind of logic, some kind of way to live that allowed for me to reconcile loving someone who had done something so terrible. It certainly wasn't the first time that I had been presented with such a conundrum, and it wouldn't be the last.

And so I founded this organisation, co-founded the same group of women, we've been working together for 10 years now, it's called Third Eye Collective, and we formed our organisation on the basis of a key principle called transformative justice that believes fundamentally that care is the antidote to violence. It's a way of responding to harm, every single harm, without making it bigger, without inflaming it. It also is a way of addressing, every single day, the local and systemic conditions that facilitate violence, looking for solutions. And finally, thirdly, it is a practice that begins at

home, that starts at the very smallest scale, often with my three goddam teenagers. Right? And it figures out how to take that model and scale it up a little bit into every single relationship. And I mean every single relationship.

For the sake of time, I just -- I'll share some resources. On our website, Third Eye Collective, it's a WordPress website, I recently posted a post entitled The First Successful Community Accountability Process Ever. It's important because it happened here over the course of a year. I hope that can provide somewhat of a guide as to what this work looks like in practical terms.

Resources: generationFIVE and the work of Staci Haines has been a touchstone, a guiding post for the last 15 years; the work of critical resistance and insight, and their incredible book collection called The Revolution Starts at Home; tranformharm.org is the best website I have been able to find that has every resource, every case study imaginable, a template, a cartography of how to engage in transformative justice practices, how to become an Olympic swimmer in the grey space. The organisation that saved my life, as someone who is committed to caring for Black women who have been raped and assaulted until I leave this earth, the organisation that saved my life and allows me to do this work is called Generative Somatics, also founded by Staci Haines. It literally has taught me how to build a body that can sustain this work without self-destructing.

So earlier, when we shared our stories, and I said, oh my god, I'm last. I'm going to start with gratitude as a way of coming back into my body before I can talk about my family, generative somatics teaches us how to do that, literally build a body.

And then maybe the last thing that I'll share is my lifelong relationship, mentorship with Ibrahim Farajajé, now left this place. He has been the teacher and mentor, particularly as someone who has grown up in small communities, that has taught me how to -- how all that I am, my belief in something greater, God, religion, can be perfectly reconciled and understood, coherent. So I'll just name him

here and say thank you. Thank you.

MS. KRISTA SMITH: Thank you.

We know that the mass casualty didn't happen in a vacuum, and our mandate asks us to understand it within the larger context of our society. I thank each of you for helping us to better sense the water in which we're swimming. I'm done.

COMMISSIONER MICHAEL MacDONALD: Commissioner Fitch?

COMMISSIONER FITCH: Thank you, Commissioner MacDonald, and I recognise that we're a minute past due. I want to thank everybody for your great contributions. I do have one question, but I'm going to frame it a little bit in advance.

We talked a lot about systems today, and we all know that systems are made up of human beings, and our systems reflect our society, and the systems that we have are the systems that we accept if we don't exercise our voices.

And so Pamela, to your question about, you know, we don't know what to say about raising our voices, using our voices, it's so important. But not just using voice, it's so imperative that all of those in community, all of those in systems listen with good hearts, good ears, with compassion, and that collectively as community we use our hands to make a difference.

Lorraine, you had mentioned about not wanting to leave anyone behind, and it occurred to me, and it has occurred to me throughout this Commission that an element that continues to get left behind is that of the voice of the LGBTQ+ community, which is absent at this table and has been very marginally touched upon. And it occurs to me that during the course of our work we have learned a lot about toxic masculinity and about the masculinity threat, and the impact of family violence and domestic violence and intimate partner violence that bleeds out beyond our doorsteps and into our communities. But yet, a conversation around another marginalised group continues to be marginalised in our conversation, and so that othered is not often heard.

And so I would ask if somebody wants to touch on that because I think that this is something, you know, when I -- Emma, when I hear you talk about the

Fry work, which I've been so familiar with over the course of my policing career, is so important, and heartbreaking stories of young boys and girls who are terribly abused in their homes, that are struggling with their own gender identity or their sexuality that become a huge segment of our youth homeless population.

And so when we talk about system changes, I guess my question would be then how do we make whole of society changes? Because that's really -- it's monumental, and our mandate touches on every aspect of that. Thank you.

MS. EMMA HALPERN: Sorry, I didn't realise this was a question for me. I can get it started, but I'd be happy to have other people included.

Certainly, I agree with every single thing you've just raised, Commissioner Fitch, and it's a -- very much a reality that we see. When I -- I work in a space that is entirely bifurcated on the basis of gender. You know, we have prisons for women and prisons for men. And what about -- and we have -- you know, that does not leave any space for trans folks, for gender-diverse folks of any form, and so that has certainly -- there has been significant harm, significant harm to LGBTQ+ folks within our prison systems.

To your point, I think, you know, when we speak to the various forms of marginalisation that we see in our communities and the way that that thread kind of goes through -- you know, the way it is understood within our systems, that LGBTQ+ members end up way over-represented in the criminal justice system.

And I guess I would say that some of the comments that I made earlier would certainly be reflective of those community members. For example, we are one of the only houses in our community that has trans women, trans men, gender diverse folks, as well as, you know, folks from across the LGBTQ community that can be housed in our house.

And that’s only recent, that a few years ago that that wasn’t -- this wasn’t a safe space, I would say, even our house was not a safe space, necessarily, for LGBTQ community members.

And so understanding the way that that marginalization has resulted in, for example, the silent thing of sex workers from those communities, the inability for individuals who are specifically, I would say, transgender to be able to come forward and seek supports from our systems, is -- has been extremely apparent in our work in the last few years. And what that does is -- it's kind of reflecting back on what I had said before -- relegates those individuals very much into the margins and puts them at high, high risk of harm.

And even in the context of, you know, for our work here, that we are looking at support work for particularly individuals who have been trafficked, for example, from those communities, and individuals who have been harmed in sex work from those communities because they don't have a space in Nova Scotia, really, where their voices are elevated, and where they are receiving the same level of supports and attention that some of the other community members are.

So I guess my sort of final piece on that is just I agree with you; I think it's still work that needs to be done. I think it's reflective in my previous comments that the systems are not protecting those communities because of the marginalizations and the discrimination and that we need alternative spaces and safety mechanisms to support those community members.

COMMISSIONER FITCH: Thank you very much, and I raise that in the context -- well, in the context of a lot of what we've been talking about for months now, and that really when we're talking about all these issues and the nugget of it is violence; violence between people, a lack of caring, a lack of love, a lack of understanding.

And so when we talk about, for example, the LGBT community, we talk about the barriers to leaving, and you have, you know, people who are hated and alienated and isolated in homes and then in their communities and then in their intimate relationships, right? And we've seen this intersectionality that you've talked about, and so it comes back to the nugget of violence and care of other human beings.

And, Rachel, I loved the line that you used about not being able to train bias out. And I raised a question with a panel earlier this week about how do we convince people, in all of our systems -- and I'm thinking in particular with policing; how do we bring people along to understand that learning about cultural competency, about intimate partner violence, about gender-based violence, about racism is absolutely critical? And flipping that conversation around, education and learning in any of our systems; in particular, policing, that those aren't miscellaneous courses; that those are fundamental. How do we make that shift? How do we get people to understand, particularly in policing, that just because it's not a hardcore tactic skill, that it is fundamentally paramount to good policing? How do we convince people to do that, make that mind shift?

DR. RACHEL ZELLARS: Are you literally asking me this question?

COMMISSIONER FITCH: Yeah, yeah, yeah, I am.

DR. RACHEL ZELLARS: I will be quick, for the sake of time.

So I'm American, and so much of my relationship with violence is shaped by the proliferation of gun violence, and 45,000 gun deaths last year, 270 mass shootings to date in the United States; a reality that just doesn't exist here on the same scale.

I don't believe that policing is an institution that can be reformed. I don't believe it is an institution, as my police officer childhood friend taught me, that currently can function as anything other than a gang.

So I don't know how to respond to that question, other than to say we are currently -- the beauty of the last two years, and what the legacy of George Floyd has left us with is, as a society, an opportunity to profoundly rethink what we want safety to look at, against the hard facts and figures, against the body cams and the thousands of videos that create -- have created a very different narrative than what we've been told, and what policing has touted itself to be.

I will say this; that I don't know what we do with the violence. One of my teachers, Joy James, consistently pushes me on this point; what do we do with the violence? And what I believe firmly -- I'm middle-aged now -- is that the answers to that question lie not in the state, not in courts, not in the institutions that currently exist, but in models of care that are embedded in transformative justice and restorative justice structures. And our work has to be committed to those two -- I wouldn't even call them systems; to learning about those two ways of being in the world.

COMMISSIONER MacDONALD: Commissioner Stanton?

COMMISSIONER STANTON: Thanks.

Given the time, I think I'll leave my questions aside for today. I was hoping to get Pam to elaborate a bit on the recommendations out of the Renfrew County inquest, but I think we're pretty out of time. So a brief highlight ---

MS. PAMELA CROSS: Can they be entered -- I don't know how the process works here, but if those recommendations could be entered as an exhibit some way, I think you'd find a great richness in there that could help you in your deliberations.

COMMISSIONER STANTON: Thank you. And thanks all of you.

COMMISSIONER MacDONALD: Yes, thank you.

I will be inspired by you, Rachel, and begin with gratitude to all of you -- and I certainly mean absolutely no disrespect if I use first names, but Rachel and Lorraine and Janet and Pam -- Pamela and Emma and Deborah.

I said this yesterday, and it bears repeating, you know, our raison d'être, our mandate, is born from almost unbearable pain and suffering by many during a horrible casualty. And that permeates all our work and leads to many difficult days and difficult conversations, and today is certainly no exception, nor was yesterday, nor will tomorrow be, but they are so important.

And Krista, thank you, and thank you again, Serwaah, as well for putting together such a powerful and thought-provoking roundtable.

And with gratitude, I thank you for the important, difficult but so important and powerful conversations. I've said this to earlier panellists who do important work as you do, thank you for your day-to-day jobs as well, your day work, and your resilience, your wisdom, your passion. Your passion and your compassion, that was very evident here today, and thank you for helping us with our important work.

And, you know, the context in history that was shared today is always worth understanding and so important; fundamental to our understanding, actually.

And second to last, thank you for representing the voices that you advocate for. That's very important and that's very helpful for us.

And, finally, thank you for your pragmatic recommendations, which, of course, are so important because they represent a path forward for all of us.

So I'm left here with humility and gratitude for the gift you've given us by your presence and by your work you do every day, and we're all inspired by it, so thank you very much.

COMMISSIONER STANTON: So just in closing, for those of you, especially joining by webcast, who may not be aware, our Orders in Council require us to examine the role of intimate partner violence and gender-based violence as contributing and contextual factors of the mass casualty, along with access to firearms and police policies, procedures, and training in gender-based violence and intimate partner violence, so this discussion assists us in thinking about responses to those forms of violence as we prepare our recommendations.

We do encourage you to read the Commissioned Reports related to these issues, and others in the mandate. The reports are on the website, which is also where you can make your submission about research you think is relevant or ideas you have for change in your community.

Tomorrow we'll be hearing from an expert witness panel; Professors Kristy Martire and Tess Neal will join us to discuss their Commissioned

Report entitled, Rigorous Forensic Psychological Assessment Practices," and we'll also be hearing submissions from Participants tomorrow.

So thanks very much, everyone, and we'll see you at 9:30.

--- Upon adjourning at 1:31 p.m.

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C E R T I F I C A T I O N

I, Mitchell Kersys, a certified court reporter, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Mitchell Kersys, une sténographe officiel, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.

Mitchell Kersys