

***Recognising Rights: Strengthening Off-Reserve  
First Nations Communities***

**Standing Senate Committee  
on Human Rights**

The Honourable Mobina S. B. Jaffer  
*Chair*

The Honourable Salma Ataullahjan  
*Deputy Chair*

**December 2013**

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41<sup>st</sup> Parliament – 2<sup>nd</sup> Session

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## **MEMBERS OF THE COMMITTEE**

The Honourable Mobina S. B. Jaffer, Chair

The Honourable Salma Ataullahjan, Deputy Chair

*and*

The Honourable Senators:

Raynell Andreychuk

Art Eggleton

Elizabeth Hubley

Don Meredith

Thanh Hai Ngo

Judith G. Seidman

Betty E. Unger

*Ex-officio members of the committee:*

The Honourable Claude Carignan, P.C., (or Yonah Martin) and James Cowan  
(or Joan Fraser).

*Other Senators who have participated from time to time in the study:*

The Honourable Senators Patrick Brazeau, Claude Carignan, Lillian Eva Dyck, Mac Harb,  
Dennis Glen Patterson, Victor Oh, Vernon White and Rod A. Zimmer.

*Parliamentary Information and Research Service, Library of Parliament:*

Martha Butler, Julia Nicol, Shauna Troniak and Julian Walker, Analysts.

*Senate Committees Directorate:*

Adam Thompson (from September 2013), Daniel Charbonneau (until September 2013), Clerk of  
the Committee

Lori Meldrum, Administrative Assistant

*Senate Communications Directorate:*

Ceri Au, Communications Officer



## ORDER OF REFERENCE

Extract of the *Journals of the Senate*, Tuesday, November 19, 2013:

The Honourable Senator Jaffer moved, seconded by the Honourable Senator Munson:

That the Standing Senate Committee on Human Rights be authorized to examine and report on issues pertaining to the human rights of First Nations band members who reside off-reserve, with an emphasis on the current federal policy framework. In particular, the committee will examine:

- (a) Rights relating to residency;
- (b) Access to rights;
- (c) Participation in community-based decision-making processes;
- (d) Portability of rights;
- (e) Existing Remedies;

That the papers and evidence received and taken and work accomplished by the committee on this subject during the First session of the Forty-first Parliament be referred to the committee; and

That the committee submit its final report no later than December 31, 2013.

The question being put on the motion, it was adopted.

Gary W. O'Brien

*Clerk of the Senate*





## EXECUTIVE SUMMARY

In 1999, the Supreme Court of Canada recognized that First Nations people living off-reserve experience differential treatment because of their status as off-reserve residents. Although some First Nations people living off-reserve retain a strong relationship with a reserve community, others feel no connection to their home reserve and may be second or third generation city residents. Because of jurisdictional disputes over responsibility for service delivery to off-reserve First Nations people, this population may experience difficulty accessing both federal services provided on-reserve and provincial programs available to the general public. They may also experience challenges in participating in band decision-making if they seek to retain a connection to a reserve community.

Off-reserve First Nations people are a very young and growing population. Although some members of this population are thriving, as a group, they score lower on virtually all social and economic indices than do non-Aboriginal people. This suggests that there are particular challenges associated with service delivery to off-reserve First Nations people.

In *Recognising Rights: Strengthening Off-Reserve First Nations Communities*, the Standing Senate Committee on Human Rights examines the rights of off-reserve First Nations people and their ability to access services. On March 15, 2012, the Standing Senate Committee on Human Rights was given the mandate to examine and report upon this issue with an emphasis on the current federal policy framework.

The committee heard from 84 witnesses, including governments, academics, service delivery organizations, and individuals. The committee heard from a large number of friendship centres because of the considerable role this network of organizations has played in the lives of off-reserve First Nations people for over 50 years.

This report outlines the testimony the committee heard. In particular, the report focuses on currently available federal programs, the source and nature of the rights of off-reserve First Nations people, off-reserve First Nations people's relationships with reserve communities, their access to services, the role of friendship centres, and off-reserve First Nations women and girls. The report makes observations with respect to access to services for off-reserve First Nations people, the work of friendship centres in their provision of services, and the additional burdens of off-reserve First Nations women and girls.

The committee wishes to acknowledge that it has not had an opportunity to hear from all the interested parties and that its findings to date are preliminary. It sees its progress thus far as a first step in examining and monitoring the rights of off-reserve First Nations people, and the initiation of

what it hopes to be an ongoing dialogue with off-reserve First Nations people and their representative organizations.

## INTRODUCTION

[I]t comes down to an issue of assimilation. The second generation is born here and I can speak as a second generation person living off reserve. We are being born into a society of colonized peoples in the urban setting. A lot of times we are better able to cope with issues within the urban setting... We are forced into, for lack of a better word, urban ghettos to access these services because that is where they are and that is where we can afford to live a lot of times. Our people are trying hard to overcome that and working very hard to succeed but we do lack services where people live.<sup>1</sup>

Some time ago the leadership in our community spoke to the issue of on reserve and off-reserve. In trying to understand that myself, I approached one of the community elders who happened to be living off reserve but had spent most of his life on reserve. The only reason at the time he was living off-reserve was to access health care. However, when I asked him the question about on-reserve and off-reserve, he was offended because of his belief in the Creator's purpose. He said, "When I was born, the Creator prepared everything on this earth that I would need to sustain myself." The only thing that he had to do was respect everything that was prepared for his use. However, the Creator never told him you cannot go here, you cannot go there. Those were laws and regulations imposed by man.<sup>2</sup>

By happenstance I was born off the reserve. I did not get my status until 1985. There were benefits of that, but I also lost in that process. What I lost was any chance to really learn my language, to learn about and live my culture, to live with my relatives, my people. The benefits were that I got the same education or access to pretty much the same education, as you did. I learned how this big world works outside of the reserve. I have done quite well in it, but I paid a high price for that. Even today, when I go home to my reserve, they welcome me to a degree, but it is still not the same. I am not one of them in the truest sense of the word, and that hurts.<sup>3</sup>

The Standing Senate Committee on Human Rights seeks to ensure the equal treatment of all Canadians. It seeks to ensure that federal legislation and policies adhere to the *Canadian Charter of Rights and Freedoms* (Charter). Further, it has a mandate to educate the public about and ensure

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<sup>1</sup> Senate, Standing Committee on Human Rights [RIDR], *Evidence*, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 23 November 2012 (Steven Eastman, Co-Chair, Urban Aboriginal Peoples Advisory Committee (City of Vancouver)).

<sup>2</sup> RIDR, 19 November 2012 (Walter Wastesicoot, Advisor Special Health Projects, Manitoba Keewatinowi Okimakanak).

<sup>3</sup> RIDR, 19 November 2012 (Damon Johnston, President, Aboriginal Council of Winnipeg).

adherence to international human rights standards, and to provide a forum for dialogue on human rights issues in the federal and provincial spheres.<sup>4</sup>

Accordingly, the committee undertook a study of issues relating to the human rights of First Nations band members who reside off-reserve, with an emphasis on the current federal policy framework. In particular, the committee had an interest in examining rights relating to residency, participation in community-based decision-making processes, portability of rights, and existing remedies.

The committee acknowledges that it has not heard from all the interested parties and that its findings are preliminary. It sees its progress thus far as a first step in examining and monitoring the rights of off-reserve First Nations people, and the initiation of what it hopes to be an ongoing dialogue with off-reserve First Nations people and their representative organizations.

A recent Federal Court decision<sup>5</sup> held that Métis and non-status Indians are “Indians” within the meaning of section 91(24) of the *Constitution Act, 1867*, and therefore within the exclusive legislative authority of Parliament. The committee notes that this case concerns some of the population within the order of reference of this study, which in turn affected the scope of the study. This decision, if upheld, may also affect some of the issues surveyed in this report. In view of possible future legal developments, this report presents only preliminary findings on issues affecting the human rights of off-reserve First Nations band members.

The current study aligns with several of the committee’s previous studies that have considered some of the challenges experienced by Aboriginal peoples. For instance, in its 2011 report entitled *The Sexual Exploitation of Children in Canada: the Need for National Action*,<sup>6</sup> the committee paid special attention to the realities facing many Aboriginal youth, especially girls and young women, that make them particularly vulnerable to sexual exploitation. It learned that in certain parts of Canada, particularly in cities in western provinces, the majority of children involved in the sex trade are Aboriginal. Many of these children come to urban centres after fleeing physical, sexual or emotional abuse, unstable homes or state care institutions and then are left with few job opportunities and little access to social services. The committee recommended that the federal government support research into the particular needs of Aboriginal communities with respect to child sexual exploitation issues in order to develop effective services for children. It also stressed the importance of culturally sensitive polices and support for local initiatives.

In its 2012 report, *Cyberbullying Hurts: Respect for Rights in the Digital Age*,<sup>7</sup> the committee noted that Aboriginal children in Canada represent a particularly vulnerable group due to such factors as

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<sup>4</sup> To view the committee’s full mandate, see Senate, RIDR, [About the Committee: Introduction to the Standing Senate Committee on Human Rights](#).

<sup>5</sup> *Daniels v. Canada*, 2013 FC 6. This decision is currently under appeal to the Federal Court of Appeal.

<sup>6</sup> Standing Senate Committee on Human Rights, *The Sexual Exploitation of Children in Canada: the Need for National Action*, November 2011, <http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf>.

<sup>7</sup> Standing Senate Committee on Human Rights, *Cyberbullying Hurts: Respect for Rights in the Digital Age*, December 2012, <http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep09dec12-e.pdf>.

racism, living conditions, poverty and domestic violence. It recognized that “urgent action” is needed and emphasized that it is essential to support research that will help acquire a better understanding of the impact of these factors on young Aboriginal people and help address their needs more effectively.

In embarking on the current study, the committee recognized that on a range of key social and economic indicators, such as income, education and employment, Aboriginal peoples experience poorer outcomes than their non-Aboriginal counterparts. However, given the recognition from Canadian courts that one’s status as an off-reserve First Nations person may be considered a ground of discrimination under section 15 of the Charter, and the committee’s mandate to ensure equal treatment of all Canadians and to monitor Charter compliance of federal legislation and policies, the committee determined that this study should focus specifically on the rights of off-reserve First Nations peoples.

As part of its study, the committee held three hearings in Ottawa and travelled across Western Canada to hear directly from governments, Aboriginal organizations, service providers, and individuals in Winnipeg, Saskatoon, and Vancouver. It heard from 84 witnesses and received 34 written submissions.



## OFF-RESERVE FIRST NATIONS PEOPLE

In 1996, the Royal Commission for Aboriginal Peoples published a report based on its sweeping study of Aboriginal peoples in Canada.<sup>8</sup> One chapter of the report, “Urban Perspectives,” focused on urban Aboriginal people. Some of the key findings of the report are that urban Aboriginal people greatly value their Aboriginal identities, and that these identities are of great value to Canadian culture:

Many urban Aboriginal people see their Aboriginal identity as the core of their existence. They derive substantial self-esteem from being Aboriginal, but they also face difficulties because of isolation from the home community, lack of family support, the constant barrage of non-Aboriginal values and experiences, and the need to deal with non-Aboriginal agencies and institutions with different value bases. While urban Aboriginal people want Aboriginal-controlled cultural institutions that will foster and reinforce their cultural identities, non-Aboriginal institutions must also become a source of positive support for Aboriginal cultural identities.

...

Aboriginal people believe their presence strengthens the fabric of Canada. Canada’s culture is enriched by their cultures. Canada’s cities, too, have an obligation to recognize and embrace the cultural identities of urban Aboriginal people and their connections to the cities’ historical and contemporary roles. Sustaining positive Aboriginal cultural identities in urban Canada is the responsibility of all Canadians, our governments and our institutions.

These findings remain true today of many off-reserve First Nations peoples.<sup>9</sup>

Estimates based on the 2006 census data suggest that Aboriginal people represent 3.8% of the Canadian population, and First Nations people more specifically represent 2.2%.<sup>10</sup> Statistics Canada

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<sup>8</sup> Royal Commission on Aboriginal Peoples [RCAP], *Report of the Royal Commission on Aboriginal Peoples*, Ottawa, 1996.

<sup>9</sup> See for example Cheryl L. Currie, “Illicit and prescription drug problems among urban Aboriginal adults in Canada: The role of traditional culture in protection and resilience,” *Social Science & Medicine*, Vol. 88, 2013.

<sup>10</sup> Statistics Canada, “[Aboriginal identity population by age groups, median age and sex, percentage distribution for both sexes, for Canada, provinces and territories – 20% sample data](#).” Although there was a census in 2011, no analysis according to Aboriginal identity has yet been released. Note that at the time of writing, Statistics Canada’s *National Household Survey* had just been released, but as the data did not appear to differ sufficiently to change any of the substantive conclusions of the report, the original data were maintained for consistency.

reports that there are more First Nations people living off-reserve than on-reserve; 60% live off-reserve, and 76% of those living off-reserve live in urban areas.<sup>11</sup>

The urban Aboriginal population has been growing very quickly, showing a 5% average annual increase between 1996 and 2006, while the non-Aboriginal population grew only 2% annually over the same period.<sup>12</sup> The median age of First Nations people in Canada is 25, 15 years below that of the non-Aboriginal population.<sup>13</sup> As a young and growing population, off-reserve First Nations people face distinct social and economic challenges. Although this population is in no way uniform, with many First Nations people thriving in various off-reserve communities,<sup>14</sup> data show that as a group, First Nations people living off-reserve score lower on virtually all social and economic indices than do non-Aboriginal people.

First Nations people living off-reserve are less likely to report being in good health than non-Aboriginal people and are significantly more likely to report living with chronic illnesses including arthritis, asthma, stomach and intestinal ulcers, diabetes, heart problems, cancer, effects of stroke, and emphysema.<sup>15</sup> The National Aboriginal Health Organization noted that its research pointed to “poorer health amongst Aboriginal populations as compared to the general Canadian population on nearly every indicator imaginable.”<sup>16</sup> This is despite the fact that the First Nations population is significantly younger, as noted above.

First Nations people living off-reserve are significantly less likely to have seen a family doctor in the last year than non-Aboriginal people.<sup>17</sup> They are significantly more likely than non-Aboriginal people to be daily smokers and obesity rates are significantly higher.<sup>18</sup> Even when researchers adjusted for differences in socio-economic status observable between the two populations, the health differences were still significant.<sup>19</sup>

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<sup>11</sup> Statistics Canada, “[Fewer First Nations people live on reserve than off reserve](#),” *2006 Census: Aboriginal Peoples in Canada in 2006: Inuit, Métis and First Nations, 2006 Census: First Nations people*.

<sup>12</sup> Eric Guimond, Norbert Robitaille and Sacha Sénéchal, “Aboriginal populations in Canadian cities: Why are they growing so fast?,” *Canadian Issues*, Winter 2009, p. 12. These researchers note, however, that although the fertility rate among Aboriginal peoples is quite high, it is not high enough to explain this rapid increase. They argue that this rapid growth may be partly attributable to changes in the number of individuals identifying as First Nations following legislative changes that redefined eligibility for status under the *Indian Act*.

<sup>13</sup> Statistics Canada, “[First Nations population youngest in the Prairie provinces](#),” *2006 Census: Aboriginal Peoples in Canada in 2006: Inuit, Métis and First Nations, 2006 Census: First Nations people*.

<sup>14</sup> RIDR, 10 December 2012 (Don McCaskill, Professor, Indigenous Studies, Trent University).

<sup>15</sup> Rochelle Garner et al., Health Research Working Paper Series, *The Health of First Nations Living Off-Reserve, Inuit, and Métis Adults in Canada: The Impact of Socio-economic Status on Inequalities in Health*, Statistics Canada Catalogue no. 82-622-X, no. 004, Ottawa, 2010, p. 3.

<sup>16</sup> National Aboriginal Health Organization [NAHO], *Urban First Nations Health Research Discussion Paper*, NAHO, Ottawa, 2009, p. 18.

<sup>17</sup> *Ibid.*, p. 4.

<sup>18</sup> *Ibid.*, p. 7.

<sup>19</sup> *Ibid.*, p. 7.



## JURISDICTION AND SERVICE PROVISION

Under section 91(24) of the *Constitution Act, 1867* [the Constitution], Parliament has exclusive legislative authority for “Indians, and Lands reserved for the Indians.” However, under section 92 of the Constitution, provincial legislatures have jurisdiction over many areas that could overlap with Parliament’s jurisdiction under section 91(24). For instance, pursuant to section 92(7), the provinces have exclusive jurisdiction over most hospitals, and they are responsible for the bulk of health care provision in Canada, so although the federal government provides health care on-reserve, provinces provide health care off-reserve.

The overlap between federal jurisdiction over First Nations under section 91(24) and provincial jurisdiction over many areas of service provision means that responsibility for the provision of services to First Nations people living off-reserve is not clearly defined. Commentators have suggested that First Nations people living off-reserve have suffered from this ambiguity and jurisdictional overlap.<sup>20</sup>

Given the lack of jurisdictional clarity, there is a risk of both duplication, and therefore poor allocation of limited resources, as well as gaps in service. One Canadian study identified federal, provincial, and even municipal programs that attempted to address all areas of service provision to First Nations people, without consideration of the services provided by other levels of government. At the same time, the study highlighted that even where overlapping comprehensive programs were in place, there were gaps for First Nations-specific programming in areas of particular concern to that population.<sup>21</sup>

The Report of the Royal Commission on Aboriginal Peoples differentiated between jurisdiction and responsibility, arguing that the federal government claimed jurisdiction over Aboriginal people, but would not assume financial costs (or what it called ‘responsibility’) beyond status Indians living on-reserve.<sup>22</sup> It criticized both federal and provincial governments for “fiscal offloading” or arguing that another level of government bears financial responsibility for services to First Nations people off-reserve.<sup>23</sup>

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<sup>20</sup> David Newhouse and Evelyn Peters, “Introduction,” and Calvin Hanselmann, “Ensuring the Urban Dream: Shared Responsibility and Effective Urban Aboriginal Voices,” in *Not Strangers in these Parts: Urban Aboriginal Peoples* [Not Strangers], ed. David Newhouse and Evelyn Peters, Policy Research Initiative, Ottawa, 2003 [Hanselmann].

<sup>21</sup> Hanselmann, p. 169.

<sup>22</sup> RCAP, “Urban Perspectives,” 2.1 Jurisdiction, pp. 539–541.

<sup>23</sup> RCAP, “Urban Perspectives,” 2.2 Fiscal Offloading, pp. 542–545.



# FEDERAL PROGRAMS AVAILABLE TO OFF-RESERVE FIRST NATIONS PEOPLE

## A. Introduction

According to Josée Touchette, Senior Assistant Deputy Minister of the Policy and Strategic Direction Sector with Aboriginal Affairs and Northern Development Canada, “the federal government has, as a matter of policy, largely focused on funding programs and services for First Nations on reserve.”<sup>24</sup> Eligibility for these programs is “generally based on some combination of three factors: status, membership in a First Nations band, or residency on reserve.”<sup>25</sup>

According to Françoise Ducros, Assistant Deputy Minister of Education and Social Development Programs and Partnerships Sector with Aboriginal Affairs and Northern Development Canada,

social services for those persons living off-reserve are generally provided by the provinces...The federal government then provides the same services, such as education, child and family services, other social services, income assistance, et cetera, to those people who live on-reserve. The idea is to have the same services available to those people on-reserve and off-reserve.<sup>26</sup>

In addition to its on-reserve service provision, however, the federal government runs several programs that are either specifically designed for, or that are accessible to, First Nations people living off-reserve. These programs are offered in many areas, including health, education, training and employment, youth, and housing. The programs described are not a comprehensive list, as over 30 departments and agencies provide services to Aboriginal people in Canada,<sup>27</sup> but they include many of the core federal programs available to off-reserve First Nations people.

## B. Health

One of the most significant health programs available to off-reserve First Nations people is the Non-Insured Health Benefits Program. This program provides certain medically necessary services to over 896,000 status First Nations and recognized Inuit people regardless of their residence or their income.<sup>28</sup> The program funds specific listed services that are not covered under provincial and territorial health care or private insurance. Some of these services include prescription and certain

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<sup>24</sup> RIDR, 29 October 2012 (Josée Touchette, Senior Assistant Deputy Minister, Policy and Strategic Direction Sector, Aboriginal Affairs and Northern Development Canada [AANDC]).

<sup>25</sup> Ibid.

<sup>26</sup> RIDR, 29 October 2012 (Françoise Ducros, Assistant Deputy Minister, Education and Social Development Programs and Partnerships Sector, AANDC).

<sup>27</sup> RIDR, 29 October 2012 (Brenda Kustra, Director General, Governance Branch, Regional Operations Sector, Aboriginal Affairs and Northern Development Canada).

<sup>28</sup> RIDR, 29 October 2012, (Aruna Sadana, Acting Director General, Strategic Policy, Planning and Analysis, First Nations and Inuit Health Branch, Health Canada).

over-the-counter medications, medical supplies and equipment, dental care, vision care, short-term crisis intervention, and mental health counselling.<sup>29</sup>

Health Canada funds three programs aimed at maternal and child health with an Aboriginal focus. Two of these programs, the Canada Prenatal Nutrition Program and the Community Action Program for Children, include Aboriginal components. The Canada Prenatal Nutrition Program is designed for at-risk pregnant women and their babies, and the Community Action Program for Children includes intervention and prevention services for vulnerable children under the age of six and their families.<sup>30</sup>

The third maternal and child health program with an Aboriginal focus that Health Canada funds is the Aboriginal Head Start in Urban and Northern Communities Program, which specifically targets First Nations, Inuit and Metis living off-reserve.<sup>31</sup> Aboriginal Head Start in Urban and Northern Communities focuses on the “spiritual, emotional, intellectual and physical development of Aboriginal children” with support to parents and caregivers for children between the ages of 3 and 5 years.<sup>32</sup> Health Canada emphasizes the spiritual focus of this program because of the importance of spirituality in overall health; as part of the program, “Elders are often partnered with kids and their parents to talk about spirituality in the context of education, growth and learning.”<sup>33</sup>

Health Canada also funds programs related to specific illnesses that are of particular concern among Aboriginal people. For example, the Aboriginal Diabetes Initiative, which is part of the Canadian Diabetes Strategy, funds 28 projects for off-reserve Aboriginal people.<sup>34</sup> Canada’s HIV/AIDS initiative has a dedicated fund to address the needs of off-reserve Aboriginal people, aiming to reduce HIV incidence, and facilitating access to “quality diagnosis, care, treatment and social support.”<sup>35</sup>

### **C. Education, Training and Employment**

Aboriginal Affairs and Northern Development Canada provides post-secondary education funding to status First Nations and Inuit students regardless of their residence.<sup>36</sup> This funding supports two

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<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> RIDR, 29 October 2012 (Marla Israel, Acting Director General, Centre for Health Promotion, Health Promotion and Chronic Disease Prevention Branch, Public Health Agency of Canada).

<sup>34</sup> RIDR, 29 October 2012, (Aruna Sadana, Acting Director General, Strategic Policy, Planning and Analysis, First Nations and Inuit Health Branch, Health Canada).

<sup>35</sup> Ibid.

<sup>36</sup> RIDR, 29 October 2012 (Francoise Ducros, Assistant Deputy Minister, Education and Social Development Programs and Partnerships Sector, AANDC).

main programs, the Post-Secondary Student Support Program and the University and College Entrance Preparation Program.<sup>37</sup>

In the areas of training and employment, Aboriginal Affairs and Northern Development Canada's primary off-reserve program is the Urban Aboriginal Strategy, which coordinates investments from all federal government departments to assist Aboriginal people in accessing employment opportunities.<sup>38</sup> Aboriginal Affairs and Northern Development Canada also administers the Aboriginal Business Canada program, which is available to all Aboriginal people without regard to status or residence, and funds young entrepreneurs, new and existing businesses, and eligible Aboriginal organizations.

Human Resources and Skills Development Canada's<sup>39</sup> primary Aboriginal program is the Aboriginal Skills and Employment Training Strategy, which aims to help Aboriginal people prepare for, find and keep high-demand jobs with an emphasis on skills development and fostering partnerships with the private sector.<sup>40</sup> Thirteen off-reserve service providers are funded through this program.<sup>41</sup> Human Resources and Skills Development Canada also administers the Skills and Partnership Fund, which is a partnership-based program that supports projects aiming to increase the number of Aboriginal people in the Canadian labour force.<sup>42</sup> Both of these programs are available to all Aboriginal people without regard to status or residence.

#### **D. Youth**

Aboriginal Affairs and Northern Development Canada administers two main youth programs: Cultural Connections for Aboriginal Youth, and Young Canada Works for Urban Aboriginal Youth. Both of these programs were previously administered by Canadian Heritage, and both are available to all Aboriginal youth without regard to status or residence. Cultural Connections for Aboriginal Youth is managed by the National Association of Friendship Centres. It establishes connections between young Aboriginal people and uses education and life skills to help young people find employment opportunities.<sup>43</sup> Young Canada Works for Urban Aboriginal Youth supports Aboriginal youth in urban settings through transitions.<sup>44</sup>

Human Resources and Skills Development Canada leads the Youth Employment Strategy, which is a collaboration between 11 federal departments and agencies. This strategy provides information,

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<sup>37</sup> Although departmental officials discussed the funding generally, they did not mention the specific programs. This information is available on the AANDC website: AANDC, [Post-Secondary Education](#).

<sup>38</sup> RIDR, 29 October 2012 (Brenda Kustra, Director General, Governance Branch, Regional Operations Sector, AANDC).

<sup>39</sup> In July 2013 it was announced that the name of Human Resources and Skills Development Canada (HRSDC) would be changed to Employment and Social Development Canada (ESDC).

<sup>40</sup> RIDR, 29 October 2012 (James Sutherland, Acting Director General, Aboriginal Affairs Directorate, Skills and Employment Branch, Human Resources and Skills Development Canada).

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> RIDR, 29 October 2012 (Brenda Kustra, Director General, Governance Branch, Regional Operations Sector, Aboriginal Affairs and Northern Development Canada).

<sup>44</sup> Ibid.

skills training and work experience to youth aged 15 to 30. The program is open to all Canadians, but focuses on those facing barriers to employment.<sup>45</sup>

## **E. Housing**

The committee heard from the Canadian Mortgage and Housing Corporation and Human Resources and Skills Development Canada on housing programs available to First Nations people. Many of the housing programs the Canadian Mortgage and Housing Corporation administers are provided on-reserve, but it also funds programs open to all Canadians. For example, the Canadian Mortgage and Housing Corporation funds the development of new affordable housing units, and it also funds assistance programs to seniors, people with disabilities, and people who are victims of family violence.<sup>46</sup>

Human Resources and Skills Development Canada administers the Homelessness Partnering Strategy, which includes a specific Aboriginal homelessness funding stream designated for off-reserve homelessness programming.<sup>47</sup>

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<sup>45</sup> Ibid.

<sup>46</sup> RIDR, 29 October 2012 (Debra Darke, Executive Director, Assisted Housing, Canada Mortgage and Housing Corporation).

<sup>47</sup> RIDR, 29 October 2012 (James Sutherland, Acting Director General, Aboriginal Affairs Directorate, Skills and Employment Branch, Human Resources and Skills Development Canada).

## **THE SOURCES AND NATURE OF THE RIGHTS OF FIRST NATIONS PEOPLE**

First Nations people have distinct constitutionally-protected rights. Some of these protected rights flow from section 35 of the *Constitution Act, 1982* which states that the “existing [A]boriginal and treaty rights of the [A]boriginal peoples of Canada are hereby recognized and affirmed.”

First Nations further suggest that their rights are recognized in international declarations such as the United Nations Declaration on the Rights of Indigenous Peoples, about which the federal government released a statement of support on 12 November 2010. In its 46 articles, this declaration sets “the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.”<sup>48</sup> Many of the articles describe rights similar to those enshrined in Canada’s Charter, but others are specifically tailored to guard against the unique threats that many Indigenous people and cultures face. For example, Article 8 protects against forced assimilation and destruction of Indigenous cultures. Below are some additional Articles that are of particular importance in the context of this study:

### Article 19

States shall consult and cooperate in good faith with the [I]ndigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

### Article 21

Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

### Article 37

Indigenous peoples have the right to the recognition, observance and enforcement of treaties ...and to have States honour and respect such treaties, agreements and other constructive arrangements.”

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<sup>48</sup> United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples: resolution/adopted by the General Assembly*, October 2, 2007, A/RES/61/295.

Finally, in addition to benefitting from the rights enshrined in the Charter that protect all Canadians, First Nations people living off-reserve also receive a level of protection under the equality provisions of section 15 of the Charter, and in particular, protection against discrimination because of their status as off-reserve residents.

### A. Treaty Rights

Many witnesses discussed treaty rights, including Manitoba's Treaty Commissioner, James Wilson. He discussed some of the specific rights that arise from certain historic treaties including the right to education and the right to hunt and fish on treaty lands. They are, in his view, a "mutually negotiated partnership" entered into by the Crown and First Nations people.<sup>49</sup> Other witnesses discussed the right to health care as a treaty right. Mr. Wilson emphasized his view that the treaties should be seen as a partnership with all levels of government:

The analogy when referring to the treaties is that it is like a marriage; you have two groups coming together. The work of the marriage does not stop when the marriage ceremony happens, that is when the work begins. It is an ongoing process.<sup>50</sup>

Eleanor Brockington, Director of Policy and Strategic Initiatives Branch, Manitoba Aboriginal and Northern Affairs, described treaties as agreements between the parties "to work and live and share the resources of the country."<sup>51</sup>

In his submissions on rights generally, and treaty rights in particular, Damon Johnston, President of the Aboriginal Council of Winnipeg, emphasised the distinction between rights and benefits, where benefits are tangible implications of rights. He called for the implementation of treaty rights:

Treaty rights, particularly older treaties, should be brought into modern day context through negotiation. Modern treaties, such as those developed and given legal standing in British Columbia and Canada, such as Tsawwassen and Nisga'a, give real definition to the rights of both of these

The analogy when referring to the treaties is that it is like a marriage; you have two groups coming together. The work of the marriage does not stop when the marriage ceremony happens, that is when the work begins. It is an ongoing process.

James B. Wilson

Treaty rights, particularly older treaties, should be brought into modern day context through negotiation. Modern treaties, such as those developed and given legal standing in British Columbia and Canada, such as Tsawwassen and Nisga'a, give real definition to the rights of both of these peoples and provide visible and measurable political, cultural, social and economic benefits to those affected by these agreements.

Damon Johnston

<sup>49</sup> RIDR, 19 November 2012. (James B. Wilson, Treaty Commissioner of Manitoba, Treaty Relations Commission of Manitoba).

<sup>50</sup> Ibid.

<sup>51</sup> RIDR, 19 November 2012 (Eleanor Brockington, Director, Policy and Strategic Initiatives Branch, Manitoba Aboriginal and Northern Affairs).



peoples and provide visible and measurable political, cultural, social and economic benefits to those affected by these agreements.<sup>52</sup>

## **B. Charter Rights**

Section 15 of the Charter states:

Equality before and under law and equal protection and benefit of law

15(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Affirmative action programs

15(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

As Professor Ian Peach, Dean of Law at the University of New Brunswick explained to the committee, in *Corbiere v. Canada*,<sup>53</sup> the Supreme Court of Canada recognized “Aboriginality-residence” as a prohibited ground of discrimination under the equality provisions of section 15 of the Charter. This ground is specific to First Nations people living off-reserve; essentially, First Nations people cannot be excluded from rights or privileges simply because they do not live on a reserve. Since that time, First Nations peoples have had a means of challenging the constitutionality of any legislation or government action that excludes them on this basis.

Professor Peach expressed concerns about the impact that the current trend in section 15 case law may have on First Nations people. He argued that recent cases suggest the Supreme Court may be reluctant to find section 15 violations in relation to programs that are ameliorative in nature, meaning that they seek to address a need of – or improve quality of life for – a particular group. He also suggested that the federal government is likely to face significant litigation from Aboriginal groups if it continues to create distinctions, for example between First Nations people with and without status under the *Indian Act*, and between those who reside on and off-reserve:

[I]n an environment in which First Nations themselves developed all membership or citizenship rules that applied to them, those challenges

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<sup>52</sup> RIDR, 19 November 2012 (Damon Johnston, President, Aboriginal Council of Winnipeg).

<sup>53</sup> *Corbiere v. Canada (Minister of Indian and Northern Affairs)*, [1999] 2 S.C.R. 203.

from individuals would be internal disputes within First Nations, rather than challenges to the acts of the colonial power in the form of the federal government. Maybe then it is time for the federal government to relinquish its role in deciding who is an Indian and therefore who can be a beneficiary of programs and situations delivered or funded by the federal government, in favour of community self-determination of community membership.<sup>54</sup>

In its recent equality cases, the Supreme Court has explicitly rejected a “formal equality” approach to its section 15 analyses. Formal equality is seen as a more limited approach to equality; it seeks only to create identical treatment among all groups. The Supreme Court has held that “identical treatment may frequently produce serious inequality.”<sup>55</sup> Instead, the Supreme Court has reaffirmed its commitment to substantive equality, which is a doctrine that suggests that in order to achieve true equality, it may be necessary to “combat discrimination by developing programs aimed at helping disadvantaged groups improve their situation.”<sup>56</sup>

Although *Corbiere* primarily involved voting rights, which will be discussed in the next section, the decision has also been applied to accessing social programs. The Federal Court of Appeal ruled in *Ardoch Algonquin First Nation v. Canada (Attorney General)*<sup>57</sup> that Aboriginality-residence could be used as a ground to challenge federal First Nations programming that imposes residence requirements. While the *Ardoch* decision does not appear to have been widely applied, Professor Peach testified that he anticipates the decision could eventually result in court challenges by off-reserve First Nations people seeking equal access to federal programs available to on-reserve persons:

I think it is logical that one of these days someone will make the argument that if you are allowed to vote for a government, then your government should provide you with services equal to how it provides services to other voters — to your colleagues. An off-reserve resident in that circumstance should have as much access to programs and services designed by their First Nation government, even if they are off-reserve residents, as on-reserve residents have. To my knowledge, it has not yet come through the court system, but I would imagine, should the federal government not change its policy, that day will come.<sup>58</sup>

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<sup>54</sup> RIDR, 5 November 2012 (Ian Peach, Dean, Faculty of Law, University of New Brunswick).

<sup>55</sup> *Andrews v. Law Society of British Columbia*, [1989] 1 S.C.R. 143, p. 164.

<sup>56</sup> *R. v. Kapp*, [2008] 2 S.C.R. 483.

<sup>57</sup> *Ardoch Algonquin First Nation v. Canada (Attorney General)*, [2004] 2 F.C.R. 108. This case is also referred to as *Misquadis v. Canada (Attorney General)*. Leave to appeal to the Supreme Court was denied.

<sup>58</sup> RIDR, 10 November 2012 (Ian Peach, Dean, Faculty of Law, University of New Brunswick)

### C. Voting Rights

In addition to establishing the ground of discrimination based on Aboriginality-residence, the Supreme Court in *Corbiere* held that off-reserve First Nations people must be able to participate in band elections. Despite *Corbiere*, off-reserve First Nations people do not appear to have uniform access to band elections. Damon Johnston, President of the Aboriginal Council of Winnipeg, highlighted this inconsistency in the inclusion of off-reserve members in band elections:

[S]ome bands require that all band members must vote on reserve, yet they do not provide mail-in ballots for those band members who live off reserve. I am a member of the Fort William First Nation in Thunder Bay, Ontario, and I am proud to say that my band is making real effort to connect with those of us who live off reserve and even those of us who live out of province. I guess that is a good example of leadership at the First Nation level making those kinds of efforts.<sup>59</sup>

Mary Lands, Executive Director of the Ikwe-Widdjiitiwin Shelter made a similar observation:

I can vote for my chief but I cannot vote for a councillor. Every treaty area has different ways of doing things. Some bands can vote for their chief and council. Some bands can vote for only a chief. In my particular community I am only allowed to vote for my chief, and we cannot run. I know that we can run, but most of the ones who run are much closer, and we are entitled to vote. That needs to be reviewed and looked at a little bit more carefully and examined to see how it actually does work.<sup>60</sup>

As will be discussed below, however, some friendship centres have taken steps to facilitate access to band elections for off-reserve First Nations people to assist their communities and to contribute to *Corbiere* compliance.

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<sup>59</sup> RIDR, 19 November 2012 (Damon Johnston, President, Aboriginal Council of Winnipeg).

<sup>60</sup> RIDR, 19 November 2012 (Marie Lands, Executive Director, Ikwe-Widdjiitiwin Shelter).



## RELATIONSHIPS WITH RESERVES

Witnesses discussed varied and complex relationships between off-reserve First Nations people and their reserve communities. The committee heard that some First Nations people living off-reserve maintain very close ties to their reserves, while others may have little or no connection to them whatsoever. Committee members heard about reasons why people leave reserves, why they return, and people's on-going interaction with reserve communities. Robert Wavey, Executive Director of Manitoba Aboriginal and Northern Affairs, spoke of the challenges that newcomers to urban and rural areas experience:

With the transition from on reserve to off reserve, you have suffered all of those symptoms including residential schools, as an example, and the intergenerational impacts of such trauma. You bring that with you off reserve, and you are coming into a society that you are not familiar with and may not be used to. A lot of other supports are required ... in order to ensure that people coming off reserve can succeed.<sup>61</sup>

Many witnesses described poor living conditions on reserves, including overcrowding and unsafe living conditions and limited access to clean water. These conditions, the committee heard, may be a factor in the growing numbers of First Nations people moving to cities. On this point, Michèle Audette, President of the Native Women's Association of Canada and Chief Bob Chamberlin, Vice-President of the Union of British Columbia Indian Chiefs, and Sonia Prevost-Derbecker, Interim Director, Support of the Native Women's Transition Centre highlighted several social and economic factors that can play a part in decisions to leave a reserve community:

We are not leaving our communities because we want to, but usually because we are seeking better living conditions. If the living conditions in our communities supported women, if they offered women safety, greater justice, adequate programs, both for themselves and for their families, and the fundamental rights they are entitled to, as human beings, I do not think we would see so many people coming and going between our communities and urban or rural areas.<sup>62</sup>

Inadequate federal funding for housing, for health programs and education often push our citizens to urban areas in order for these citizens to provide for their families. The continued dispossession from our way of life, our lands, our resources and our territories allows for the ongoing effects of poverty that contribute to the increase in the urban First Nation population... The urban setting is not a panacea. It is not a place where

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<sup>61</sup> RIDR, 19 November 2012 (Robert Wavey, Executive Director, Manitoba Aboriginal and Northern Affairs).

<sup>62</sup> RIDR, 10 December 2012 (Michèle Audette, President, Native Women's Association of Canada).

First Nations are endeavouring and always wanted to be. We would rather live in our territories, in our villages, with a very strong sense of community and identity.<sup>63</sup>

The reasons for migration are many. Of course, lots of families will move here with their kids in order for their children to get an education. If the local area does not have a high school, many families will move rather than shipping your kid off alone. Health care is another big reason for people to be moving; jobs and community economic development, we could go on at length. There are some very remote communities where there are no jobs and no community economic development, and that absolutely needs to be addressed.<sup>64</sup>

Other witnesses provided an alternate perspective, however, of second and third-generation city residents who had little or no connection to a reserve, including Steven Eastman, Co-Chair of the Urban Aboriginal Peoples Advisory Committee with the City of Vancouver:

We have been displaced. A lot of us do not have connections with our home communities. My family is from back East but I have been born and raised in Vancouver. I had to grow up in this community and this is where I call home. I do not have access to services that would otherwise be provided to me on my home reserve.<sup>65</sup>

Many First Nations people maintain an ongoing relationship with their reserves, particularly to preserve family and cultural ties. Don McCaskill, Professor of Indigenous Studies at Trent University discussed some of the cultural and spiritual activities that may draw people back to their home reserves:

Some Aboriginal people were third generation people living in the cities. On the other hand ... First Nations and Metis communities retain an importance for them in terms of such things as travelling back to visit family to engage in cultural ceremonies such as sweat lodges and other spiritual activities, to attend ceremonies, funerals, weddings and for many different reasons, as you would anticipate. A large percentage still maintains important ties with the rural communities, the First Nations communities and the Metis communities.<sup>66</sup>

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<sup>63</sup> RIDR, 23 November 2012 (Chief Bob Chamberlin, Vice-President, Union of British Columbia Indian Chiefs).

<sup>64</sup> RIDR, 19 November 2012 (Sonia Prevost-Derbecker, Interim Director, Support, Native Women's Transition Centre).

<sup>65</sup> RIDR, 23 November 2012 (Steven Eastman, Co-Chair, Urban Aboriginal Peoples Advisory Committee (City of Vancouver)).

<sup>66</sup> RIDR, 10 December 2012 (Don McCaskill, Professor, Indigenous Studies, Trent University).

Chris Beaton, Project Manager with the Tillicum Lelum Aboriginal Friendship Centre mentioned traditional seasonal practices:

Increasingly we have people with the means to travel back to their communities — and my family is one of them — particularly during the hunting season or fishing season or berry season. A lot of our people as we are getting healthier are accessing traditional thinkers and traditional practitioners to do ceremonies. There is two-way mobility.<sup>67</sup>

Professor Thibault Martin also commented on movement to and from reserves:

Let us understand that, unlike what we think, there is a migration in both directions. Right now in Quebec, as many Aboriginals are returning to their community as are leaving them. So the city is not in disconnect with the community.<sup>68</sup>

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<sup>67</sup> RIDR, 22 November 2012 (Chris Beaton, Project Manager, Tillicum Lelum Aboriginal Friendship Centre).

<sup>68</sup> RIDR, 10 December 2012 (Thibault Martin, Professor, Department of Social Work and Social Science, Université du Québec en Outaouais).





## ACCESS TO SERVICES

I believe our issues can be addressed by the portability of individual treaty inherent rights to education and housing. We only want what the Creator gave us, and that is to live. In my language, *minopimiiwatsiwin* means “a good life.”<sup>69</sup>

Access to services for off-reserve First Nations people was another component of the study. Many First Nations witnesses noted the lack of services to support fundamental needs within communities such as safe, affordable housing. Others addressed the challenges created by the lack of sustainable funding for community programs, which often meant that highly valuable and successful programs were cancelled because they had only received short-term funding. Even if additional funding could be found, there may already have been gaps in service or lay-offs. Inez Vystrcil-Spence, Health Director with the Manitoba Keewatinowi Okimakanak called the failure to address the needs of First Nations people “supervised neglect.”

The practices by the Governments of Canada and Manitoba can be summarized by a medical term known as "supervised neglect," a term which describes where a problem is observed but a choice is made where it is not disclosed or acted on, meaning a choice is made at some level within the system to either not disclose information to a patient, or an individual, or a choice is made to simply not act on an apparent condition.<sup>70</sup>

Some of the main themes that arose in testimony to the committee include jurisdictional barriers to accessing services, the value of Aboriginal-specific services, as well as single-window service provision and holistic approaches. Several witnesses raised concerns about access to specific services including programs related to health and education. Others expressed the importance of long-term funding, including Rhonda Forgues, with the City of Winnipeg:

The practices by the Governments of Canada and Manitoba can be summarized by a medical term known as "supervised neglect," a term which describes where a problem is observed but a choice is made where it is not disclosed or acted on, meaning a choice is made at some level within the system to either not disclose information to a patient, or an individual, or a choice is made to simply not act on an apparent condition.

Inez Vystrcil-Spence

The federal government asserts that when First Nations people leave reserves, they are eligible for provincial programs of general application. However, witnesses suggested that provinces might disagree. For example, Robert Wavey, Executive Director of Manitoba Aboriginal and Northern Affairs explained that “Manitoba views the federal government as having primary responsibility for Aboriginal peoples.”

<sup>69</sup> RIDR, 19 November 2012 (Marie Lands, Executive Director, Ikwe-Widdjiitiwin Shelter).

<sup>70</sup> RIDR, 19 November 2012 (Inez Vystrcil-Spence, Health Director, Manitoba Keewatinowi Okimakanak).

From my perspective at the urban setting level what I hear mostly from the community and community partners on a regular basis is that whatever it is we commit to, on whatever we focus our resources we do so on a long-term basis. Folks need to know you are in it for the long haul with them. It is really hard to make change or do something different if it is short-term, or considered a pilot. The community would appreciate it if whatever we do, we do it for a long period or the long haul, so they know we are partners.<sup>71</sup>

### **A. Jurisdictional Barriers**

The committee heard that jurisdictional disputes between the federal and provincial governments result in gaps in service to First Nations people living off-reserve. The federal government asserts that when First Nations people leave reserves, they are eligible for provincial programs of general application. However, witnesses suggested that provinces might disagree. For example, Robert Wavey, Executive Director of Manitoba Aboriginal and Northern Affairs explained that “Manitoba views the federal government as having primary responsibility for Aboriginal peoples.”<sup>72</sup>

Without suggesting that any particular level of government is abdicating its responsibilities, many witnesses called for more inter-jurisdictional cooperation to ensure that the needs of off-reserve First Nations people are met.

### **B. Aboriginal-specific Programs**

The committee heard about the value of programs specifically designed for Aboriginal people. Because of a history of discrimination and exclusion from mainstream society, some witnesses argued that off-reserve First Nations people benefit from receiving services that are tailored to meet their needs and run by Aboriginal people who might have more insight into their experiences. Here are some of the explanations the committee heard, from Jaqueline Anaquod, as an individual, Greg Fidler, President of the Ma-Mow-We-Tak Friendship Centre, and Angeline Nelson of the Metro Vancouver Aboriginal Executive Council:

Our people do not want to access health services because they are treated differently. There is no culturally safe or sensitive care in any of our health care systems.<sup>73</sup>

Aboriginal youth in urban areas are reluctant to use mainstream services, preferring instead to use Aboriginal community organizations as primary

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<sup>71</sup> RIDR, 19 November 2012 (Rhonda Forgues, Acting Director, Aboriginal Initiatives, City of Winnipeg).

<sup>72</sup> RIDR, 19 November 2012 (Wavey).

<sup>73</sup> RIDR, 21 November 2012 (Jaqueline Anaquod, as an individual).

service provider, and in some instances to act as intermediaries with mainstream services and government initiatives. Much of this reluctance stems from the historical legacy of discrimination towards Aboriginal people and the aversion to institutionalized facilities created by the lasting impacts of residential schools on the previous generations.

...

When you grow up institutionalized and not involved in a family, you become reluctant to approach people who have authority over you. You want to withdraw from that kind of structure ... I do believe that growing up in the school system — having chalk thrown at you, being told to sit in the corner, and being told to shut up constantly — also contributes to the reluctance to seek help in a non-Aboriginal environment. People are more comfortable, let us say, coming into an Aboriginal organization to seek services and help because they are dealing with people who have similar experiences they had growing up.<sup>74</sup>

It is absolutely crucial for organizations or service agencies to be run by Aboriginal people. Only we know as Aboriginal people what our issues are. We have totally different approaches and totally different styles in working with people.<sup>75</sup>

Some witnesses suggested, however, that there may be two tiers of service provision because, in their view, mainstream programs receive more funding than Aboriginal-specific ones.<sup>76</sup>

### **C. Single-window Services and Holistic Approaches**

Some witnesses told the committee that because they serve high-needs and vulnerable populations, it is important to address many of their clients' needs simultaneously. Some friendship centres and service delivery organizations achieved this through the “single-window” or “under-one-roof” approach, where a single facility houses multiple services that are of critical importance to their clients. This may be of particular importance to clients with

[M]any social agencies are unable to provide all services within their building. The AMC is offering an under-one-roof concept to avoid referring moms from agency to agency. For example, during the 18 months the women are in the transformational housing they participate in various programs such as cultural connection, life skills, parenting skills, addictions and self-care.

Marjorie White

<sup>74</sup> RIDR, 19 November 2012 (Greg Fidler, President, Ma-Mow-We-Tak Friendship Centre).

<sup>75</sup> RIDR, 22 November 2012 (Angeline Nelson, Metro Vancouver Aboriginal Executive Council).

<sup>76</sup> See for example RIDR, 19 November 2012 (Steve Courchesne, Member of the Board, Circle of Life Thunderbird House).

small children, those with limited mobility, or limited access to transportation. Marjorie White, Board President of the Aboriginal Mother Centre Society described the value of such services with reference to her organization:

[M]any social agencies are unable to provide all services within their building. The AMC is offering an under-one-roof concept to avoid referring moms from agency to agency. For example, during the 18 months the women are in the transformational housing they participate in various programs such as cultural connection, life skills, parenting skills, addictions and self-care.<sup>77</sup>

We presently have two elders who guide us. We are a centre of approximately 150 Aboriginal students. Our staff is 85 per cent Aboriginal... All of our programs have academic instructors as well as life skills counsellors who help our students to succeed. When dealing with our students, we are not just dealing with academic abilities; we are also dealing with what is going on at home — their financial struggles, relocating to Winnipeg, finding appropriate housing, daycare.

Sharon Slater

Other witnesses, particularly those from schools and other educational institutions, described their holistic approach to service provision. In this case, there may not be a single centre through which services are provided, but the organization anticipates and caters to a wide range of their clients' needs. Sharon Slater, Co-Director of Human Resources with the Urban Circle Training Centre described the many services her centre provides its students:

We presently have two elders who guide us. We are a centre of approximately 150 Aboriginal students. Our staff is 85 per cent Aboriginal... All of our programs have academic instructors as well as life skills counsellors who help our students to succeed. When dealing

with our students, we are not just dealing with academic abilities; we are also dealing with what is going on at home — their financial struggles, relocating to Winnipeg, finding appropriate housing, daycare.<sup>78</sup>

#### **D. Access to Specific Services**

Several specific services featured in witness discussions on access to services. These included Non-Insured Health Benefits, K-12 education, and access to post-secondary education funding.

<sup>77</sup> RIDR, 22 November 2012 (Marjorie White, Board President, Aboriginal Mother Centre Society).

<sup>78</sup> RIDR, 19 November 2012 (Sharon Slater, Co-Director of Human Resources, Urban Circle Training Centre).

## **1. Non-Insured Health Benefits**

As Health Canada explained to the committee, the federal government provides a “limited range of medically necessary supplementary health benefits to over 896,000 registered First Nations ... regardless of income or place of residence in Canada.”<sup>79</sup> Alison Davies, and Larissa Williams, both Disability Case Managers with the B.C. Aboriginal Network on Disability Society, expressed two specific concerns. Ms. Davies commented that neither the public nor physicians were sufficiently well informed about what the program covered and noted the implications this could have for individuals:

There is a lack of awareness about non-insured benefits and what they cover and what they do not, especially with health care providers who are off reserve... It may be a small thing, but, for instance, they write a prescription, not being aware of what is on the list of things that are covered, and that person could go back and forth. Imagine being not well and having to go back and forth, taking a bus back and forth because the doctor does not know what is covered. That is just one small thing, but that is very common.<sup>80</sup>

Ms. Williams commented on the lack of knowledge about the existence of an appeal process:

A lot of people ... are not aware that you can appeal non-insured health benefits. Health care professionals who I have dealt with do not know either. People are falling through the cracks and not getting wheelchairs, not getting prescriptions... It is a real big problem.<sup>81</sup>

## **2. K to 12 Education**

As Professor John Richards explained to the committee, the federal government funds on-reserve elementary and secondary (or K to 12) education. Several of the educators and academics who testified to the committee expressed concerns about the educational achievements of First Nations students who graduated from on-reserve schools. Professor Don McCaskill discussed the value of programs to facilitate the transition of First Nations students who move off-reserve, both academically and socially. John Richards suggested that the best approach might be to focus efforts on early childhood education, up to grade 3. During its travel to Western Canada, the committee met with Ray Ahenakew of the Saskatchewan Indian Institute of Technology. Mr. Ahenakew argued that K to 12 education is so essential to establishing a strong foundation for First Nations youth that this alone would address many of the social inequities many off-reserve First Nations people

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<sup>79</sup> RIDR, 29 October 2012 (Aruna Sadana, Acting Director General, Strategic Policy, Planning and Analysis, First Nations and Inuit Health Branch, Health Canada).

<sup>80</sup> RIDR, 22 November 2012 (Alison Davies, Disability Case Manager, B.C. Aboriginal Network on Disability Society).

<sup>81</sup> RIDR, 22 November 2012 (Larissa Williams, Disability Case Manager, B.C. Aboriginal Network on Disability Society).

experience.<sup>82</sup> Richard Missens of the First Nations University suggested strengthening K to12 education for First Nations students both on and off-reserve:

[O]ne of the things we need to do is to strengthen the K to 12 education system for First Nations people, whether that is on reserve or off reserve. Many of our students come into university — and it is not just our university — without the kinds of skills we need to help them succeed in first year. We spend a lot of time and energy helping students to get up to that level where they can succeed better, so one thing is preparation. I know, from my experience as our board chair in our own community, that funding levels for band-controlled education on reserve are not the same as levels for off-reserve schools. As the Aboriginal population grows, in particular in Saskatchewan, we make a much more significant proportion of the population. I would like to see the curriculum change in a way that helps First Nations people to retain languages, culture and identity, to understand our history and to inherit these things in a proper way.<sup>83</sup>

James Wilson, Treaty Commissioner for Manitoba suggested that there has been some positive change in this area:

Education is one area that has been real positive in getting the First Nations, the province and the federal government working together. In Manitoba a tripartite agreement was signed by the Assembly of Manitoba Chiefs, the provincial government, Manitoba Education, and the federal government to try to remove some of the jurisdictional issues that hampered education previously. Still, a lot of things need to be resolved, but I think that is one positive example that has helped that relationship.<sup>84</sup>

### **3. Post-secondary Education Funding**

The federal government funds post-secondary education for status First Nations people, whether they live on or off-reserve. However, bands have discretion over which students are selected for post-secondary funding, and some witnesses expressed the view that off-reserve band members are less likely to be selected to receive funding. Steven Eastman, Co-Chair of the Urban Aboriginal Peoples Advisory Committee with the City of Vancouver commented on the challenges off-reserve students may face:

I do not have access to services that would otherwise be provided to me on my home reserve. In fact I was not even able to go to university because I

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<sup>82</sup> RIDR Meeting with Saskatchewan Indian Institute of Technology, 20 November 2012.

<sup>83</sup> RIDR, 10 December 2012 (Richard Missens, Executive Director, Community Relations, First Nations University).

<sup>84</sup> RIDR, 19 November 2012. (James B. Wilson, Treaty Commissioner of Manitoba, Treaty Relations Commission of Manitoba).

lived off reserve and there was not enough funding for my home band. They had to make the decision to cut someone and I was cut because I live over here and not back East.<sup>85</sup>

Marie Lands, Executive Director of the Ikwe-Widdjitiwin Shelter made a similar observation:

As off-reserve First Nations we are at a disadvantage in applying for post-secondary funding to go to college or university. The priority is on reserve. We have to take the opportunities that are offered through social assistance programs... Most education authorities on First Nations have an application selection process; meaning applications for on-reserve First Nations are considered for funding first. The process does not seem to truly reflect inclusion of off-reserve applicants.<sup>86</sup>

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<sup>85</sup> RIDR, 19 November 2012 (Eastman).

<sup>86</sup> RIDR, 19 November 2012 (Lands).





## **FRIENDSHIP CENTRES**

Throughout their existence Friendship Centres have continued to meet the needs of Aboriginal peoples whether they are finding a place to live, finding employment, finding food, health services, finding familiar faces in the city, finding a safe and comfortable haven to gather with other Aboriginal peoples, to find cultural teachings or to simply have a cup of coffee. The issues of human rights that present themselves in on-reserve scenarios inevitably find expression and transition to the urban environment.<sup>87</sup>

The committee sought input from many friendship centres across Western Canada because of the crucial roles they play in the lives of First Nations people living off-reserve. There was a high level of participation among friendship centres, with several provincial associations testifying before the committee, three centres hosting public hearings, and representatives from over a dozen friendship centres appearing as witnesses. The National Association of Friendship Centres provided valuable coordination assistance with these public hearings.

### **A. The History of the Friendship Centre Movement**

In testimony to the committee, Greg Fidler, President of the Ma-Mow-We-Tak Friendship Centre described the evolution of the friendship centre movement:

The formation of friendship centres over 50 years ago has unique historical significance in assertion, development and education of Aboriginal rights in Canada. Friendship centres were born from grassroots groups of Aboriginal people asserting their rights to migrate to urban settings from reserves and be given equality in access to opportunities. Their movement and actions prompted local Aboriginal people to realize that culture and traditions could be integrated into education, housing, programs and events.<sup>88</sup>

Jim Sinclair, Executive Director of the Indian and Métis Friendship Centre of Winnipeg likened the friendship centre movement to the civil rights movement in the United States in its significance to First Nations people and their recognition and assertion of their rights:

I was a boy when my mother first got the right to vote in 1960. I think the difference between the civil rights of the United States and the civil rights effort in Canada is the fact that we met and we met, and the groups got excited about meeting. There was no violence; nobody was shot and

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<sup>87</sup> National Association of Friendship Centres, Brief submitted to the committee, 30 April 2013 [NAFC].

<sup>88</sup> RIDR, 19 November 2012 (Fidler).

killed. We were not burning down cities, but we were getting somewhere.<sup>89</sup>

## **B. The Current Role of Friendship Centres**

Friendship centres provide a wide array of social and cultural services to First Nations people. Services may include programs related to health, education or employment, as well as child care, youth initiatives, emergency housing, food banks, cultural and spiritual activities, and access to elders. The committee heard from Jim Sinclair, Executive Director of the Indian and Metis Friendship Centre of Winnipeg, Gwen Bear, Executive Director of the Aboriginal Friendship Centres of Saskatchewan, Paul Lacerte, Executive Director of the British Columbia Association of Aboriginal Friendship Centres, Chris Beaton, Project Manager with the Tillicum Lelum Aboriginal Friendship Centre, and Susan Tatoosh, Executive Director of the Vancouver Aboriginal Friendship Centre Society on the role of friendship centres:

[Friendship centres] help Native people to adjust to urban society while still retaining pride in their culture and heritage.<sup>90</sup>

Each Aboriginal friendship centre has become, in the heart of the urban sphere, an incubator for initiatives, a privileged space to express the needs and claims for the off-reserve ... population. [They] provide specialized and culturally relevant services that communities do not offer and which must, in the heart of a non-Aboriginal urban setting, allow for the advocacy of the Aboriginal dignity and cultural identity, regardless of the nation of origin.

...

Friendship centres are driven by their communities' needs. Programs are adapted and developed to fit the needs of each unique community. Therefore, each centre offers a different range of programs and services that may differ one from the next.<sup>91</sup>

Our range of services includes crisis response and emergency shelters. Many of our people, when they move to urban communities, are looking for a place to celebrate their culture, gather, and hold community events to resist assimilation... We are a community development agency moving

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<sup>89</sup> RIDR, 19 November 2012 (Jim Sinclair, Executive Director, Indian and Metis Friendship Centre of Winnipeg).

<sup>90</sup> RIDR, 19 November 2012 (Sinclair).

<sup>91</sup> RIDR, 21 November 2012 (Gwen Bear, Executive Director, Aboriginal Friendship Centres of Saskatchewan).

people along the continuum... We are moving from surviving back to thriving again.<sup>92</sup>

We have evolved as a needs-based organization. There is a need in the community. We organize ourselves. We identify the need, organize ourselves to respond to the need, enable the resources and the people to meet that need and then go back to find the next need.<sup>93</sup>

The friendship centres came into being as a bridge between the reserve and the off reserve. It was the bridge to help in that transition from the reserve to the urban area. Our main role has been, for a long time, as a referral service, but we have developed into becoming the hub of the community where not only do we offer services but we also are the gathering place. This is the place where people come when they are looking for their relatives when they come to the city. This is the place that people come to when looking for housing, for assistance in how to apply for their status, when looking for help. Our role will always be one of offering that service to them, being the bridge for them.<sup>94</sup>

One feature of friendship centres that many witnesses discussed was their open door, status-blind approach. Although most struggle with limited funding to meet the needs of urban Aboriginal people, many friendship centres take on the additional role of helping low-income and homeless people from non-Aboriginal populations.

A feature of some friendship centres that is of particular importance to this study is that they facilitate participation in elections, both band and mainstream. Several centres said they posted notices about or even provided polling stations for band elections. The Vancouver Aboriginal Friendship Centre sees this involvement as a means of implementing the off-reserve voting rights of First Nations people that the Supreme Court recognized in *Corbiere*. The Vancouver centre hosts candidates' debates for municipal elections, and the Victoria friendship centre holds polling stations for provincial and federal elections.

The National Association of Friendship Centres emphasized that friendship centres have not only been meeting the needs of an underserved population for the past several decades, but they have also contributed to positive social change in Canada:

Friendship Centres play a pivotal role in the fabric of Canadian society. They act as engines of social change and innovation, as sources of

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<sup>92</sup> RIDR, 22 November 2012 (Paul Lacerte, Executive Director, British Columbia Association of Aboriginal Friendship Centres).

<sup>93</sup> RIDR, 22 November 2012 (Beaton).

<sup>94</sup> RIDR, 22 November 2012 (Susan Tatoosh, Executive Director, Vancouver Aboriginal Friendship Centre Society).

community strength and as facilitators of community planning and community development.<sup>95</sup>

We have a representative here from the Victoria Native Friendship Centre and I briefly want to give you an example of our best practices. They have a project for Aboriginal youth where they carve totem poles. They spend a third of their time carving the totem pole and two thirds learning from the employment readiness services. They have three intakes of 20 youth. We just raised the second pole in Victoria. We have a 100-per- cent success rate for job placement. All of those youth are working. However, they did not come to the program for job skills; they came to learn how to carve and paint a totem pole. When that pole gets raised they can look up at their work, and there is a sense of pride, ancestral connection and longevity of their efforts. That is the nature of the culture- centred services that we have been advocating for.<sup>96</sup>

### **C. The Future of Friendship Centres**

Representatives from friendship centres reported that their programs were underfunded. Many witnesses alluded to statistics that show that the off-reserve First Nations population is very young and growing quickly, however, meaning that demands on friendship centres are likely to increase as well. According to George Sayese of the Prince Albert Indian and Metis Friendship Centre, friendship centres will respond to the demographic changes. “When the need changes, we examine that need and we adapt to it. We then adapt the funding dollars to fit that need.” Many centres expressed concerns about capital costs, however, and the problems associated with having too many individual organizations competing for the same pool of funding dollars.

One solution that several friendship centres advanced was to take advantage of the well-established infrastructure the friendship centre network provides. They argued that being on the ground, they are well-positioned to allocate funds to service delivery organizations, rather than having decisions made remotely in federal or provincial departments. The National Association of Friendship Centres further suggested that it should play a greater role in administering federal urban Aboriginal programs such as the Urban Aboriginal Strategy, as it is already successfully managing the Cultural Connections for Aboriginal Youth program and Aboriginal Friendship Centre Program.<sup>97</sup>

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<sup>95</sup> NAFC.

<sup>96</sup> RIDR, 22 November 2012 (Lacerte).

<sup>97</sup> Ibid.

# OFF-RESERVE FIRST NATIONS WOMEN AND GIRLS

## A. Introduction

[H]istorically, Aboriginal women have been the protectors and keepers of their land and, of course, their people. It has also been shown that they fulfilled very important roles in the social, economic and justice realms, and in terms of their nation's rights. They played an extremely important and central role. Unfortunately, that role lost its importance over the years, after the *Indian Act* was foisted upon them by the government.<sup>98</sup>

The report of the Royal Commission on Aboriginal Peoples recognized that Aboriginal women in urban settings often suffer disproportionately the effects of systemic discrimination, noting that “the needs of urban Aboriginal women are virtually invisible, and the reality of their lives often remains unrecognized and unvalidated.”<sup>99</sup> In 1992, Shirley Gamble, a First Nations woman from Brandon, Manitoba testified before the Royal Commission on Aboriginal Peoples, saying “Status women resident off-reserve are too often a forgotten minority. Many become urbanized due to family abuse, separations and deaths, others, for personal reasons. These women and their children are the abused, personally and mentally.”<sup>100</sup>

## B. Disproportionate Burden on Women and Girls

The committee heard from many witnesses that off-reserve First Nations women and girls continue to carry a heavy burden. They spoke of the violence these women face and about the high proportion of young single mothers who struggle to find adequate housing for themselves and their children. According to the Native Women's Association of Canada, nearly 80% of Aboriginal women are single mothers.<sup>101</sup> Young girls often have to take on parental responsibilities for their younger siblings, as Sasha Marshall, Executive Director of the Circle of Life Thunderbird House in downtown Winnipeg, told the committee:

Little girls 10, 11, 12 years old are raising their siblings. They are walking them to school and walking them home; they are making lunch and making dinner. They are primarily responsible for them...

[Under] the residential school system, you had a child who was taken maybe at five years old, spent 12 years in the system, they get out, they go back home, many of them have children fairly quickly. They do not know how to parent because they were not parented. They do not know how to

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<sup>98</sup> RIDR, 10 December 2012 (Michèle Audette, President, Native Women's Association of Canada).

<sup>99</sup> RCAP, Vol. 4, *Perspectives and Realities*, p. 570.

<sup>100</sup> *Ibid.*, p. 578.

<sup>101</sup> RIDR, 10 December 2012 (Michèle Audette, President, Native Women's Association of Canada).

teach empathy because they were not shown empathy, and it begins this vicious cycle. You now have these parents raising their children in this way because they do not know how. These kids now are looking after each other, functioning the best that they can. The cycle continues. We are still seeing it generations later and sometimes it is not that many generations ago. We are still dealing with those kinds of impacts. I think that it is not going to stop.<sup>102</sup>

Marjorie White, Board President of the Aboriginal Mother Centre Society in Vancouver discussed the challenges that Aboriginal women face as mothers, and the effects that poverty may have on the social, cultural and economic outcomes of their families and children:

A disproportionate number of Aboriginal women ... face homelessness, fear violence, face addiction and face degradation. As mothers these women face greater chances to experience loss and profound pain as their babies are born into a high-risk environment. Opportunities for these women to recover, to acquire economic security and to provide self-sufficient family lives for their children are either limited, culturally inappropriate or have regulations, policies and standards difficult and time-consuming to meet.<sup>103</sup>

### **C. Forced Mobility**

In 1996, the report of the Royal Commission on Aboriginal Peoples report noted that more women feel compelled to leave their reserve communities against their will than do men.<sup>104</sup> The committee heard that First Nations women continue to feel compelled to leave their reserves because of violence, poverty, inequitable matrimonial real property laws, and because of fears that if they cannot find better support in the city, they risk losing custody of their children. This decision is never an easy one, as Lynda Gray, Executive Director of the Urban Native Youth Association told the committee:

Women continue to face high rates of unaddressed violence which leads to women and children being forced to leave their homes, their community and their culture. It is not just as simple as relocating to another city like mainstream society thinks of it. We leave so much behind beyond just a house.<sup>105</sup>

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<sup>102</sup> RIDR, 19 November 2012 (Sasha Marshall, Executive Director, Circle of Life Thunderbird House).

<sup>103</sup> RIDR, 22 November 2012 (Marjorie White, Board President, Aboriginal Mother Centre Society).

<sup>104</sup> RCAP, Vol. 4, *Perspectives and Realities*, p. 473.

<sup>105</sup> RIDR, 22 November 2012 (Lynda Gray, Executive Director, Urban Native Youth Association).

The committee heard that, in addition to the unique challenges faced by mothers leaving reserves, Aboriginal women who grew up and reside in urban areas also experience a number of challenges. In this regard, Marjorie White stressed the importance and value of developing and running mothers' programs that teach parenting and life skills in urban centres because most of the young women her organization serves are second or third generation city residents, who do not have the option of returning to their home reserve.

#### **D. Poverty**

A root cause of many of the challenges off-reserve First Nations women face is poverty, and First Nations women disproportionately feel its effects. Michèle Audette, President of the Native Women's Association of Canada described the crisis of poverty that Aboriginal women face:

Extreme poverty plagues communities both on and off reserve. A[n Aboriginal] woman's annual average income is \$20,000, but it can be as low as \$12,000. That is the reality we live with day in and day out.

Teresa Edwards, Director of Human Rights and International Affairs with the Native Women's Association of Canada emphasized the correlation between economic security and the level of violence experienced by women:

When we have economic security, we have less violence. When we have economic security, we have access to housing. When we have economic security, it opens up the world for our women.<sup>106</sup>

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<sup>106</sup> RIDR, 10 December 2012 (Teresa Edwards, Director of Human Rights and International Affairs, Native Women's Association of Canada).





## PERSONAL STORIES

Many witnesses and individuals from a wide variety of backgrounds shared their stories with the committee. Some stories were very positive, for instance about the role a friendship centre could play in the life of a family:

One of the most important organizations that kind of helped me to move from a state of being a single mom living in poverty to a place where I could find the resources to upgrade my education was actually the friendship centre here in Winnipeg. Back in the day when I was a young woman, I came to the centre and was quite at a loss about how to make my way around the city. It was the friendship centre and the Native Club at that time that offered resources for me to get a foundation and a grounding, not only in terms of the resources I needed for an education, but actually in terms of the resources I needed to be able to address the never ending, consistent, subtle and overt incidences of racism that Aboriginal people continue to experience every day in the city and around the country.<sup>107</sup>

A grandmother, her husband and their son were facing medical issues. Their son had children and they were looking to try and care for all of them and they did not know what to do. They had come to the centre, met with the family violence workers, and had received assistance in finding a six- bedroom home. Following that, the grandmother had gotten involved with our regalia class and learned the basics and life skills around sewing and was able to create an outfit for the grandson who came out to the powwow song and dance class. He was able to learn more about his culture and identity and to use the outfit that was created to go and dance in different powwows over the last year. That is one example of someone accessing a service and being able to not only receive assistance with what they are looking for, but connecting within the community. They meet people who want to support them and help them build relationships and a stronger community.<sup>108</sup>

I am 66 years old and for 57 years I have been living as they say off reserve, but I have the honour of returning home as much as I can to maintain my roots and remind myself to get grounded and work from there...How I try to understand life is I have the best of both worlds and I have come to see the [mainstream Canadian] systems as a square. I have

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<sup>107</sup> RIDR, 19 November 2012 (Rainy Gaywish, as an individual).

<sup>108</sup> RIDR, 21 November 2012 (William Mintram, Acting Assistant Director, Saskatoon Indian and Metis Friendship Centre).

come to understand the systems of the indigenous Aboriginal people as a circle. I have gotten a sense that the square is trying to swallow up the circle and it just does not fit. Then it reverses itself where the square is invited to come and fit into the circle. That does not fit. The challenge here is how to get the square and the circle together in a way that there is an area where there is commonness.<sup>109</sup>

Others shared concerns and anguish:

We are still on the forefront of our struggle for freedom, and, most importantly, for the right to land and self-determination. We are still fighting for these rights after all of these years. We are landless in our own country. Without an economic land base, we are unable to build an economy for ourselves.<sup>110</sup>

We suffer from homelessness, lack of water, overcrowding both on and off reserve. We have our kids apprehended, incarceration, murdered and missing women, youth unable to access proper education, and unemployment. We suffer from loss of language and sense of belonging.<sup>111</sup>

Do you know how I feel inside here? Do you know how it feels to talk to you? How come we feel like that? This is real. We hear all this talk about Indians leaving the reserve because there is more opportunity. Do you know how deplorable it is on the reserves sometimes? Do you know that? I can go anywhere. I live on the reserve; I live off reserve. We leave because lots of times there are things that go wrong that we cannot control. So if enough of us leave that reserve, and nobody is left there, then what?<sup>112</sup>

It is pretty scary that we need to speak the truth — and that is the truth. We do not acknowledge what is happening in here. We do not acknowledge that because you guys are basing decisions on what you think is right for us. We know what is right for us, and that is defending her and protecting the waters. Those are important issues to us. I know the mind-thinking today is greed and fast money. That is what it is all about,

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<sup>109</sup> RIDR, 23 November, (Alex Nelson, Elder, Surrounded by Cedar Child and Family Centre).

<sup>110</sup> RIDR, 21 November 2012 (Kevin Daniels, as an individual).

<sup>111</sup> RIDR, 21 November 2012 (Jessica Gordon, as an individual).

<sup>112</sup> RIDR, 19 November 2012 (Nina Wilson, as an individual).

but not to us. We are the original people of this land, and we will always speak up for her.<sup>113</sup>

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<sup>113</sup> RIDR, 19 November 2012 (Jo Redsky, as an Individual).



## CONCLUSIONS AND OBSERVATIONS

The testimony the committee has heard thus far suggests that First Nations people living off-reserve continue to experience challenges because of their residency that is distinct from many of the challenges people face on reserve. Although many off-reserve First Nations people retain important connections to their bands, some feel neglected by their bands, or feel that their band no longer plays any role in their life. The voting rights of off-reserve First Nations people recognized in *Corbiere* may not yet be a reality for some.

Friendship centres and Aboriginal service providers appear to be offering valuable programs on very limited budgets. They are meeting the most fundamental needs of some of the most disadvantaged members of many urban and rural communities. The committee also heard, however, that the strain on friendship centres will increase along with the rapid growth of the off-reserve First Nations population. In addition, the committee heard about the value of culturally appropriate services and having services delivered “to Aboriginal people by Aboriginal people.” For second and third generation off-reserve First Nations people, friendship centres may be the only link to culturally relevant activities.

First Nations people living off-reserve are not always able to access the services they need or to exercise the rights that courts have recognized. The committee recognizes that while individuals living in reserve communities face significant challenges, when those individuals leave their reserve communities, they may also lose access to certain programs available on reserves, and that they are often the victims of jurisdictional disputes that may result in a failure of governments to provide adequate services. Any long-term solutions will likely involve a great deal of consultation with First Nations people and inter-jurisdictional cooperation.

First Nations women living off-reserve face intersecting issues of sexism, racism, violence, and poverty that may affect them in ways that are distinct from Aboriginal men. Further, the committee heard that First Nations women are primarily responsible for children, and therefore face an increased economic burden. The committee wishes to recognize the important work of the Native Women’s Association of Canada and the provincial and territorial organizations to improve the quality of life of off-reserve First Nations women, their children, and their families.

Finally, the committee hopes that this report will help to generate dialogue on the important issues affecting the human rights of off-reserve First Nations band members. The committee therefore urges the federal government and relevant stakeholders to take into account the evidence and preliminary findings in this report in their consideration of these evolving issues.



## **WITNESSES**

**Monday, October 29, 2012**

*Statistics Canada:*

Jane Badets, Director General, Census Subject Matter, Social and Demographic Statistics;

Cathy Connors, Assistant Director, Social & Aboriginal Statistics.

*Aboriginal Affairs and Northern Development Canada:*

Josée Touchette, Senior Assistant Deputy Minister, Policy and Strategic Direction Sector;

Françoise Ducros, Assistant Deputy Minister, Education and Social Development Programs and Partnerships Sector;

Brenda Kustra, Director General, Governance Branch, Regional Operations Sector;

Allan Tallman, Indian Registrar.

*Justice Canada:*

Al Broughton, General Counsel.

*Human Resources and Skills Development Canada:*

James Sutherland, Acting Director General, Aboriginal Affairs Directorate, Skills and Employment Branch.

*Canada Mortgage and Housing Corporation:*

Debra Darke, Executive Director, Assisted Housing.

*Health Canada:*

Aruna Sadana, Acting Director General, Strategic Policy, Planning and Analysis, First Nations and Inuit Health Branch;

Scott Doidge, Acting Director General, Non-Insured Health Benefits Directorate, First Nations and Inuit Health Branch.

*Public Health Agency of Canada:*

Marla Israel, Acting Director General, Centre for Health Promotion, Health Promotion and Chronic Disease Prevention Branch.

**Monday, November 5, 2012**

*University of New Brunswick:*

Ian Peach, Dean, Faculty of Law.

**Monday, November 19, 2012**

*Manitoba Aboriginal and Northern Affairs:*

Robert Wavey, Executive Director;

Eleanor Brockington, Director, Policy and Strategic Initiatives Branch.

*Treaty Relations Commission of Manitoba:*

James B. Wilson, Treaty Commissioner of Manitoba.

*City of Winnipeg:*

Rhonda Forgues, Acting Director, Aboriginal Initiatives.

*Aboriginal Council of Winnipeg:*

Damon Johnston, President.

*Circle Of Life Thunderbird House:*

Steve Courchene, Member of the Board;

Sasha Marshall, Executive Director.

*Urban Circle Training Centre:*

Sharon Slater, Co-Director of Human Resources;

Haven Stumpf, Intake Coordinator, Community Liaison.

*Native Women's Transition Centre:*

Bernice Cyr, Executive Director;

Sonia Prevost-Derbecker, Interim Director, Support.

*Manitoba Keewatinowi Okimaknak:*

Inez Vystrcil-Spence, Health Director;

Walter Wastesicoot, Advisor Special Health Projects.

*Ikwe-Widdjiitiwin Shelter Inc.:*



Marie Lands, Executive Director.

Buffalo Point First Nation:

Robert Kakaygeesick;

Elliot Cobiness.

*Manitoba Association of Friendship Centres:*

Jack Park, President;

Adam Blanchard, Executive Director.

*Ma-Mow-We-Tak Friendship Centre:*

Greg Fidler, President;

Anita Campbell, Executive Director.

*Indian and Metis Friendship Centre of Winnipeg:*

Jim Sinclair, Executive Director.

*Community Consultations - Walk-Ons*

Cynthia Beardy, As an individual

Albert McLeod, As an individual

Ashok Salwan, As an individual

Rainey Gaywish, As an individual

Lori Mainville, As an individual

Jo Redsky, As an individual

Nina Wilson, As an individual

**Wednesday, November 21, 2012**

*Federation of Saskatchewan Indian Nations:*

Vice-Chief Simon Bird.

*Aboriginal Friendship Centres of Saskatchewan:*

Gwen Bear, Executive Director;

Dylan Rose, Regional Desk Coordinator, Cultural Connections for Aboriginal Youth.

*Saskatoon Indian and Metis Friendship Centre:*

William Mintram, Acting Assistant Director.

*Indian and Metis Friendship Centre of Prince Albert:*

George Sayese, President.

*Kinkinak Friendship Centre:*

Kayle Brown, Board Member.

Walk-Ons:

Jessica Gordon, as an individual;

Jacqueline Anaquod, as an individual;

Kevin Daniels, as an individual;

Kim Beaudin, as an individual.

**Thursday, November 22, 2012**

*British Columbia Association of Aboriginal Friendship Centres:*

Paul Lacerte, Executive Director.

*Tillicum Lelum Aboriginal Friendship Centre:*

Chris Beaton, Project Manager.

*Vancouver Aboriginal Friendship Centre Society:*

Susan Tatoosh, Executive Director.

*Victoria Friendship Centre:*

Kari Hutchinson, Assistant Executive Director.

*UBC First Nations Legal Clinic:*

Sarah J. Rauch, Director and Supervising Lawyer;

Claire Anderson, Student.

*Carrier Sekani Family Services:*

Preston Guno, Program Manager.

*Metro Vancouver Aboriginal Executive Council:*

Christine Smith, Co-Chair;

Angeline Nelson, Executive Director, Knowledgeable Youth Association

*B.C. Aboriginal Network on Disability Society:*

Ali Davies, Disability Case Manager;

Larissa Williams, Disability Case Manager.

*United Native Nation Local 510:*

Bill Williams, President.

**Friday, November 23, 2012**

*Union of British Columbia Indian Chiefs:*

Chief Bob Chamberlin, Vice-President.

*Urban Aboriginal Peoples Advisory Committee for City of Vancouver:*

Lillian Howard, Co-Chair;

Steven Eastman, Co-Chair.

*Aboriginal Mother Centre Society:*

Marjorie White, Board President;

Diane Sugars, Executive Director.

*Urban Native Youth Association:*

Lynda Gray, Executive Director.

*Aboriginal Homelessness Steering Committee for Metro Vancouver:*

Patrick Stewart, Chair.

*Lu'ma Native Housing Society:*

Ken Clement, President.

*Surrounded by Cedar Child and Family Centre:*

Alex Nelson, Elder

Barb Cowan, Executive Director.

*Native Courtworker and Counselling Association of BC:*

Hugh Braker, President.

*Vancouver Native Housing Society:*

David Eddy, Chief Executive Officer

Walk-Ons:

Scott Clark, Executive Director, as an individual;

Verna Benson, as an individual;

Kelly White, as an individual.

**Monday, December 10, 2012**

*Native Women's Association of Canada:*

Michèle Audette, President;

Teresa Edwards, Director of Human Rights and International Affairs.

*Université du Québec en Outaouais:*

Thibault Martin, Professor, Department of Social Work and Social Science.

*Simon Fraser University:*

John Richards, Professor, School of Public Policy (by videoconference).

*Trent University:*

Don N. McCaskill, Professor, Indigenous Studies.

*First Nations University:*

Richard Missens, Executive Director, Community Relations.

## SUBMISSIONS

- Aboriginal Affairs and Northern Development Canada / Aboriginal Council of Winnipeg
- Aboriginal Friendship Centres of Saskatchewan (AFCS) (Gwen Bear)
- Aboriginal Homelessness Steering Committee for Metro Vancouver (Patrick Stewart)
- Aboriginal Life in Vancouver Enhancement Society (ALIVE)
- Aboriginal Mother Centre
- BC Aboriginal Network on Disability Society (BCANDS) (Allison Davies)
- Buffalo Point First Nation
- Canadian Mortgage and Housing Corporation (CMHC)
- Circle of Life Thunderbird House (Sash Marshall & Steve Courchesne)
- City of Winnipeg (Rhonda Forgues)
- First Nations University of Canada (Richard Missens)
- Health Canada
- Human Resources and Skill Development Canada
- Ikwe-Widdjiitiwin Shelter Inc. (Marie Lands)
- Indian Metis Friendship Centre of Prince Albert (George Sayese & Connie Farber)
- Kikinahk Friendship Centre
- Manitoba Aboriginal and Northern Affairs Aboriginal Affairs Secretariat (Robert Wavey & Eleanor Brockington)
- Manitoba Association of Friendship Centres (MAC)
- Manitoba Keewatinowi Okimakanak Inc.
- Metro Vancouver Aboriginal Executive Council
- MOORE, Miranda
- National Association of Friendship Centres
- Native Courtworker and Counselling Association of British Columbia
- Public Health Agency of Canada (Marla Israel)
- Saskatoon Indian and Metis Friendship Centre
- Statistics Canada (Jane Badets – Cathy Connors)
- Treaty Relations Commission of Manitoba (James Wilson)
- United Native Nations Local 510 (UNN)
- Université du Québec en Outaouais (Thibault Martin)
- University of New Brunswick (Ian Peach)
- Urban Circle Training Centre Inc. (Sharon Slater & Haven Stumpf)
- Urban Native Youth Association (Lynda Gray)
- Vancouver Aboriginal Community Policing Centre Society
- Vancouver Aboriginal Friendship Center Society (Ken Clement)