



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on the Status of Women

FEWO



NUMBER 072



1st SESSION



41st PARLIAMENT

EVIDENCE

Tuesday, April 30, 2013



Chair

Ms. Lysane Blanchette-Lamothe

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•(1105)

[Translation]

The Clerk of the Committee (Mrs. Marlene Sandoval): Good morning, honourable committee members. I see a quorum.

[English]

I must inform members that the clerk of the committee can only receive motions for the election of the chair. The clerk cannot receive other types of motions, cannot entertain points of order, nor participate in debate.

[Translation]

We can move to the election of the chair.

Pursuant to Standing Order 106(2), the chair must be a member of the official opposition.

[English]

I am ready to receive motions for the chair.

Go ahead, Ms. Truppe.

Mrs. Susan Truppe (London North Centre, CPC): Madam Chair, I'd like to nominate Lysane Blanchette-Lamothe as chair of our committee.

The Clerk: Yes, Ms. Ashton.

Ms. Niki Ashton (Churchill, NDP): I second the motion.

The Clerk: It has been moved by Susan Truppe that Lysane Blanchette-Lamothe be elected as chair of the committee.

[Translation]

Are there any further motions?

[English]

I declare the motion carried and Ms. Lysane Blanchette-Lamothe duly elected chair of the committee.

[Translation]

I would like to invite Ms. Blanchette-Lamothe to take the chair.

Congratulations.

The Chair (Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Thank you.

My thanks to the committee for their confidence in electing me chair of the committee. It will be my pleasure to work with you in order for the committee to complete all its studies in a climate of mutual respect.

Before we move to the agenda, if my colleagues have no objections, I would like to modify the agenda a little in order to keep 15 minutes at the end of the meeting to discuss our future business.

I know that the committee has already proposed adding sessions. We have received replies from the witnesses we have invited. If there are no objections, let us set aside 15 minutes at the end of the meeting to discuss the committee's future business in camera.

Now we move to the agenda. Today, we have with us Mr. Ron Swain, Vice-Chief of the Congress of Aboriginal Peoples. Mr. Swain will have 10 minutes for his opening statement. Then we will move to questions and comments. We will finish the first part of the committee's work at 11:50.

Then we will suspend the meeting to allow the next witnesses to come to the table. Those witnesses are Ms. Courchene and Ms. Manitowabi, who will make an opening statement for 10 minutes. Then we will be able to ask them questions.

Mr. Swain, thank you very much for joining us today. You have 10 minutes in which to make your presentation before we move to questions.

[English]

Mr. Ron Swain (National Vice-Chief, Congress of Aboriginal Peoples): Thank you, Madam Chair. I'm here with my colleague, Julian Morelli. He's our communications director at the Congress of Aboriginal Peoples.

Good morning, Chair and committee members. It's a pleasure to be here on the traditional territory of the Algonquin people to speak to you about matrimonial real property on reserve. I am the national vice-chief of the Congress of Aboriginal Peoples. As you know, National Chief Betty Anne Lavallée was to speak this morning, but unfortunately she was taken ill and asked me to make this presentation in her place. She sends her regrets.

Since 1971, the Congress of Aboriginal Peoples, formerly known as the Native Council of Canada, has represented the interests of off-reserve status and non-status Indians, southern Inuit, and Métis throughout Canada. Today, over 60% of aboriginal people now live off reserve, and this number continues to grow. The congress is also the national voice for its affiliate organizations and advocates on behalf of aboriginal people living off reserve throughout Canada.

The issue of matrimonial real property on reserve is certainly not new. The Aboriginal Justice Inquiry of Manitoba addressed this as far back as 1988. At that time, the inquiry recognized the need for an equal division upon marriage breakup under the Indian Act. In addition, the Royal Commission on Aboriginal Peoples put forth recommendations on the issue. Over the last ten years, numerous studies and reports have been issued by the House of Commons and the Senate. A number of pieces of legislation have also been introduced by both the Conservatives and the Liberals.

The Congress of Aboriginal Peoples supports matrimonial real property, and we feel it's time to move on. This legislation should not come as a surprise to anyone. Aboriginal organizations, including the congress, along with aboriginal people were consulted on matrimonial real property in 2002 through the Joint Ministerial Advisory Committee. In fact, under this committee we helped draft the legislation for the first nations governance act.

In 2003, the Standing Committee on Human Rights released an interim report called "A Hard Bed to Lie In: Matrimonial Real Property on Reserve". This report is still relevant today. It outlines the importance of matrimonial real property for a variety of reasons by emphasizing many of the barriers aboriginal women face, including factors that intensify additional inequality and discrimination toward women in these circumstances.

One story in this report really was quite striking. An aboriginal woman and her five children were forced to leave their reserve. They lost their social support and were left with limited finances in search of a home. This woman sought assistance for affordable housing, but was turned down and ended up living in a rundown boarding house. Child and Family Services intervened and took her children. In the end, she could not take it anymore and in despair took her own life. This is just one tragic example, and there are surely thousands more. Yet these hardships continue today. For example, many women are forced to leave their reserve after a marriage breakdown. Those who leave the reserve in search of affordable housing could find their position quite grim.

Let me give you an example. In 2006 the federal government entered into the off-reserve aboriginal housing sector. They allotted \$300 million over three years to the provinces for off-reserve affordable housing. Not one of our affiliates received the full amount of funding. When the federal government gave money to assist off-reserve housing, the money didn't get there. One province under this program received \$38.2 million and refused to provide any resources for off-reserve housing. This particular province refused to assist off-reserve housing initiatives because, and I quote, "they had other priorities". My question is simple. Where are these people supposed to go?

This is why our organization fought so strongly for all aboriginal people to be included under subsection 91(24) of the Constitution Act of 1867. People who leave reserves for whatever reason should still have their rights. They are rightful partners in Confederation. They are a federal jurisdiction. Once a person leaves the reserve, they no longer have the same level of services or support available to them. They are simply not getting the help they need.

●(1110)

Obviously, conditions differ in every region of Canada, and individuals have their own unique challenges to deal with. However, I find it appalling that in this day and age aboriginal women continue to encounter discrimination and inequality and are literally being deprived of their rights.

The Constitution Act of 1982, under subsection 35(4) states:

Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

This is not the reality for aboriginal women.

We, at the Congress of Aboriginal Peoples, understand the complexities of this legislation, but this is no excuse. This is legislation that should have gone through years ago. How land is managed and allotted on reserves plays a big part in how matrimonial real property is exercised. There are reserves that have different categories of land on the same reserve: for instance, a reserve is regulated by the Indian Act or voluntarily adheres to the First Nations Land Management Act or a self-government agreement.

The Indian Act itself is problematic on a number of levels. It does not enshrine the treaty relationship, but in many cases it undermines or seeks to replace it. It was introduced and amended by governments that took a paternalistic view towards aboriginal people. It is more about limiting the day-to-day existence of status Indians and reserve communities than it is about implementing and building relationships with sovereign people who entered into this act without their consent. The lack of matrimonial real property is probably the most honest example of what is wrong with the Indian Act at its root.

Some communities have voluntarily adhered to the First Nations Land Management Act to get away from the Indian Act. A small fraction of those communities have made the necessary steps in recognizing the division of family assets, but there are still difficulties for women when it comes to exercising those rights.

The Standing Committee on Human Rights' interim report states that "the federal policy on self-government calls for the application of the Charter".

The Government is committed to the principle that the Canadian Charter of Rights and Freedoms should bind all governments in Canada, so that Aboriginal peoples and non-Aboriginal Canadians alike may continue to enjoy equally the rights and freedoms guaranteed by the Charter. Self-government agreements, including treaties, will, therefore, have to provide that the Canadian Charter of Rights and Freedoms applies to Aboriginal governments and institutions in relation to all matters within their respective jurisdictions and authorities.

This legislation accommodates for the different land management on reserve. It allows for communities to establish laws that are specific to their culture and their traditions.

It has been argued that Bill S-2 could be interpreted to imply that it impedes on the non-derogation clause found under section 25 of the Canadian Charter of Rights and Freedoms. Our organization strongly supports the non-derogation clause, in that nothing should abrogate or derogate from any aboriginal treaty or other rights or freedoms that pertain to aboriginal peoples of Canada.

I honestly believe that ensuring equal rights to both men and women does not impede upon aboriginal treaty rights. On the contrary, I would argue that not backing this bill is disallowing equality for all aboriginal people.

The Congress of Aboriginal Peoples strongly supports matrimonial real property on reserve. We recognize that by implementing this legislation, many communities will be burdened with an increase in responsibility. For this reason, it is important that communities be provided with the necessary tools and financial resources to assist them in implementing this important legislation. This is an instrumental bill. It is important that we don't impose legislation on aboriginal people and their communities, but rather help aboriginal people by establishing a reciprocal relationship in working together and supporting aboriginal communities to ensure they are able to integrate equality while maintaining their cultural values and traditions.

Thank you for this time.

• (1115)

The Chair: Thank you, Mr. Swain.

We will now proceed to the question round.

We will start with Madame Truppe. You have seven minutes.

Mrs. Susan Truppe: Thank you, Madam Chair.

Thank you, Mr. Swain, for being here. It was great to hear from you and that you support matrimonial real property.

I, too, find it appalling that women on reserve do not have the same rights as I have and as the other women who are sitting around this table have. I'm just happy to hear you support that, because they should have the same rights as we do and they should have the same protection as we do.

I do have some questions for you.

Do you think that individuals living in first nations communities currently have access to adequate protections and rights related to matrimonial property, and how do you think they could be improved?

Mr. Ron Swain: I'll give you a little bit of my background. I'm an aboriginal man, a status Indian, and I have five children.

Unfortunately, I went through two marriage breakups. Right now, I'm a single father, so I know personally some of the realities of separation, the emotions, and some of the issues that can be involved.

I've also been an Ontario Provincial Police officer for 32 years, and I've worked on first nations communities throughout Ontario, both on and off reserve, so I'm speaking from some of my experience in that time.

Unfortunately, because of the nature of the fiduciary relationship to reserves—and I'll call them reserves because everybody seems to understand that “reserve” concept as opposed to “first nation”—the provincial laws don't apply when it comes to divorce court and different separation agreements. That complicates things and it makes this very problematic.

I've had personal experiences where, let's say, an aboriginal man is living with an aboriginal woman who is not from that community. When they break up, she is basically kicked right out the door. They have no protection under law. As a police officer, I've gone there. We keep the peace, but there's a band council resolution that has been passed telling her that she has to leave, and she's escorted off that first nations or reserve community.

I know personally that right now there is no protection. In some communities, but very few, they have created their own laws, basically divorce laws or matrimonial division laws—

Mrs. Susan Truppe: That's right. I think there are 22.

Mr. Ron Swain: —but that is not the norm.

Mrs. Susan Truppe: About your experience, I think you said you had one or two breakups or divorces.

Mr. Ron Swain: Yes, two marriage breakups, unfortunately.

Mrs. Susan Truppe: Maybe you can tell me, because I'm not familiar.... I don't have reserves in my riding, although I have aboriginal organizations, and I've asked them from time to time whenever I speak to them what they think of this bill. I've not yet had one person, not one.... Not everyone supports everything we do, but I've not had one person actually say, when I'm talking to them, that they don't think this is a good idea.

I just want to get your sense of how this happens. What normally happens when a marriage on a reserve breaks up? How is the decision made as to who is going to occupy the family home? Is it immediate? Can you take me through an example or a scenario?

Mr. Ron Swain: Well, I can always go back to my own personal experience with a small community called the Thessalon First Nation, which is just outside Sault Ste. Marie in northern Ontario. I've also had experiences in Grassy Narrows, which is a community of about 700 people north of Kenora. I have had experiences in both of those.

Unfortunately, most of the time, in the dealings I've had, when a marriage breaks down, violence is involved, and, unfortunately, we're called at a time when there's a big fight going on. I can relate that to both Thessalon and Grassy Narrows. I won't use names. I'll just use the scenario. Usually, a big fight takes place, the police are called, the police show up, and whoever is the perpetrator or the offender gets arrested and taken away.

I can give you an example from up in Grassy Narrows. This is going back a few years. The individual happened to be from that community, and he was with a Métis girl who wasn't from that community and didn't have band membership or wasn't part of the band. Once the person was released from custody, he went to the chief and council. Within a very short time, a band council resolution was passed, and then he had control and custody of that building, the house, the matrimonial home.

They were in a common-law relationship at that time. She had some children but not from that relationship. She was basically forced to leave that community. There was no separation of property. She basically had no rights. They were not in a long relationship—I remember it as being two and a half years—but it still was a relationship for a significant time, and basically she was escorted off that community with just the clothes on her back and with her children. That was a situation with a non-band member.

• (1120)

Mrs. Susan Truppe: I think that bothers everybody, the fact that they don't have any rights and they are simply forced out of the house and have nowhere to live. If you don't have family that you can go to, you have nowhere to go. I think what is more troublesome is that in an emergency situation, where there is violence, it's the woman who has to leave with the child.

I've had a couple of members of first nations who have told me that, from these organizations that are in my riding. In their case, their father was abusive and they and their mother had to leave, so she made sure she built her house off the reserve so that she would have access to half of the money that was put into that house if she and her husband split up.

I don't think it's only about having half of the ownership of everything you have, and you have those rights, but, in my mind, it's for emergency protection orders, too, to keep them safe.

Just very quickly, how would this change the reserves? Would it change the reserves very much once this is in place?

Mr. Ron Swain: By reading the act, you at least have some rules and some process to address this. What I really like about this piece of legislation, and it's not a perfect piece of legislation—no legislation is perfect—and it doesn't speak to the issue of—

The Chair: Quickly, Mr. Swain, please.

Mr. Ron Swain: It doesn't speak to the issue of communal land, and that's very complicated. What it does is put in place emergency processes so that you can have support for a woman who's a victim of violence and some interim orders so they can at least have custody of the matrimonial home.

The Chair: Thank you very much, Mr. Swain.

We'll turn now to Madame Ashton.

Mr. Ron Swain: I come at it from two points of view, I think. Our organization believes there has to be put in place protection for these women. We have to have some way of speaking to this. It's an issue that's been talked about and put forward. There's no legislation that speaks to it in a significant way. So that's one thing—

Ms. Niki Ashton: Thank you very much, Mr. Swain. Thank you for outlining the jurisdiction that the Congress of Aboriginal Peoples holds as an organization.

As you know, one of the concerns that the Native Women's Association of Canada as well as the Assembly of First Nations has raised is around the lack of... The government tells us there's been consultation, but in fact first nations haven't been adequately consulted, and consulted in real terms, as we know needs to be done with first nations. Furthermore, for those who have been asked about this, their recommendations haven't been heard.

I'm wondering what you, as the representative here of the Congress of Aboriginal Peoples, would have to say about what these organizations are saying about the lack of consultation.

I think we can all agree, but perhaps I can just go back to that initial point. Are you okay with there being no consultation in the first place?

Mr. Ron Swain: I would like to speak to that, but, first of all, there's an urgency that has to be talked about, that this legislation speaks to. It's speaking to safety issues. I think you have to put that as paramount when you're thinking about this piece of legislation. That's one thing.

The Congress of Aboriginal Peoples was consulted. We represent off-reserve aboriginal people, which doesn't mean we don't represent people who live on reserve. I'm a status Indian. My band is called the Swan Lake reserve in Manitoba. What's nice about this piece of legislation is that it talks about creating laws. If the community wants to create laws, they actually have to contact me, and I have a right to vote on what those laws are and to have some input.

• (1125)

Ms. Niki Ashton: Did your band do that?

Mr. Ron Swain: With this legislation they would have to.

Ms. Niki Ashton: Did they engage you prior to, I guess, last week, or up until last week?

Mr. Ron Swain: No, I didn't.... My circumstance is quite unique, because under Bill C-3, which is a brand-new piece of legislation for people to get their status back, it's going back to discriminatory actions against aboriginal women, which is how my family lost their status. So this is not just an issue where women are being neglected and are not represented properly now. It goes back many, many generations. I'm a product of that.

I wasn't part of our band when they were doing the consultations, so I wasn't consulted.

The Congress of Aboriginal Peoples represents people who do live, and can live, and do have a relationship with first nations communities. There is consultation that has taken place with us, and we put forward recommendations that we support this legislation for a number of reasons—

Ms. Niki Ashton: I understand.

You just spoke about why you support the legislation, but if I can go back to a presentation that Betty Ann Lavallée made to the Senate committee, one of the points she raised was that she didn't see provisions in this bill creating emergency shelters. What we're hearing from a number of people is that there is no commitment to non-legislative measures. Bill S-2 still does not have any component containing provisions for emergency shelters. How is CAP okay with that? How do you feel about that?

Mr. Ron Swain: When I made my presentation earlier, I said there's no perfect piece of legislation; even this piece of legislation is not perfect. In a perfect world they would talk about some of the support systems that women need, but lacking that, I don't think you should jeopardize the whole piece of legislation. It's too important an issue to fall off the table because it is not perfect.

Ms. Niki Ashton: Going back to the non-legislative measures, your band membership, as you mentioned, is in Swan Lake. You've worked in remote first nations in Ontario, and there are similar stories in remote first nations in Manitoba and in other parts of the country. We're talking about marital breakup, people in a very vulnerable situation needing access to certain services.

I have a few questions. In your experience, is there enough access to legal aid on first nations? Is there enough access to policing services? I understand there are different arrangements in Ontario, but as you know in the Manitoba situation, it's the RCMP. Do you think there are enough women's shelters on reserve? In your experience, are those services adequate, as they are in urban centres and often in cases on reserve?

Mr. Ron Swain: I'll speak to the first question about legal aid.

In my experience, there are not enough legal aid systems all across Canada. The provinces haven't stepped up to provide a significant amount of legal aid. I've known people who were turned down for legal aid; they couldn't access legal aid.

Ms. Niki Ashton: How about if you're on reserve, though? Is that worse than being in an urban centre, where you can walk down to the legal aid office?

Mr. Ron Swain: In almost every aspect of being on reserve and being an aboriginal person in Canada, you have fewer services. But I will still speak in favour of this legislation, even if it doesn't speak to the totality of what we're talking about. If you're talking about legal aid and shelters, some of the—

Ms. Niki Ashton: Do you know how many women's shelters there are on reserve across Canada?

Mr. Ron Swain: I don't know, but from my experience in almost every community I've worked near or on, there is access to shelters. Unfortunately, I know from my own experience—

Ms. Niki Ashton: If I can just add, for the record, there are 40 out of 663 first nations. That's not close. I mean on reserve, and maybe Betty Ann Lavallée mentioned it. If we're talking about safety—

• (1130)

Mr. Ron Swain: I was going to say—I didn't finish—in my experience both on and off reserve, there are not enough women's shelters. It's unfortunate in our society that we're talking about there not being enough women's shelters in Canada.

The Chair: Thank you very much.

We'll turn now to Madame O'Neill Gordon.

Mrs. Tilly O'Neill Gordon (Miramichi, CPC): Thank you, Madam Chair.

Thank you for being with us this morning. I'm sure we all recognize that you have a lot of experience to offer with your line of work, and with the fact that you, too, had two breakups. You can see the importance of this bill, and I'm happy to see that you spoke of the importance of Bill S-2.

Now, you know and I know that our government has always sent a clear message that violence against women, wherever it occurs, is something we cannot tolerate. But women on reserves are being abused and victimized, without the protection they need, and especially without the rights and protections that all Canadians

receive. Our government is really working hard to make this happen, so there is less violence and so that women have their rights.

MP Ashton mentioned that no consultations had taken place, but we know that 103 consultations across 76 communities have taken place, at a cost of \$8 million for the government. That is a prime example to show that our government is sincere and really wants to make this happen.

Would you agree that Bill S-2 would provide first nations' women with matrimonial property protections and would provide them with the rights on reserves that are similar to those enjoyed by all other women in Canada? That is our objective here, because we need these women to enjoy the same protection as other women have across Canada.

Mr. Ron Swain: Yes, that's why we support this legislation. It's one of the first times that you're actually speaking of a process to address breakdowns and the division of property. More important, we are talking about a process that can address the immediate support and protection of women who are suffering violence in first nations communities.

It also speaks to the fact that right now there's no protection for probably a majority of women in first nations communities. There's silence on it; there's no federal legislation and provincial jurisdiction doesn't apply. There are few first nations communities that have actually adopted their own laws to address this important issue. We believe this legislation would address the split-up of property and the protection of women who find themselves in situations of violence.

Mrs. Tilly O'Neill Gordon: Within my constituency, we have three reserves. In my last four years, before I became a member of Parliament, I taught at a school on a reserve. I, too, saw many breakups; I encountered them with the children.

What do you see in the bill that will provide protection for the children? I focus on that. Lots of times these children are really in quite a state, trying to come to school and put up with things that are going on. Do you see Bill S-2 as something that is going to help the children as well?

Mr. Ron Swain: When we examine the bill in detail, we see that it makes a priority of the protection of children as well as their connection and continuity within the community. The bill emphasizes safety for children and their connection to the community, which should not be severed.

Mrs. Tilly O'Neill Gordon: Did your friend have something to say?

Mr. Julian Morelli (Communications Director, Congress of Aboriginal Peoples): No, I was just thinking.

Mrs. Tilly O'Neill Gordon: It looked as though you were about to tell him something.

Mr. Ron Swain: Also, what's good about the bill is that it actually talks about something that is important in our culture. We tend to take care of our parents, grandparents, aunts. If there are other people to be provided for, the legislation speaks to taking that into account also.

• (1135)

Mrs. Tilly O'Neill Gordon: I saw that a lot where I was in Burnt Church. Grandparents would be living there and that would be a disruption for them as well. All of this has to be considered in this bill that we are trying to bring forth.

Do you agree that now is the right time to ensure that people living on the reserve have matrimonial real property protections similar to those in effect everywhere else in Canada? It probably should have been done sooner.

Mr. Ron Swain: I was just going to say it should have been done a generation ago. Like any other piece of legislation, it's not perfect. But I think it's important to push this through and get this legislation approved, because at least it's a beginning in speaking to the issues of protection and matrimonial breakup.

Mrs. Tilly O'Neill Gordon: From my riding, I have not had any objections to any of this. This needs to go forth for these women. They need help in all areas, but especially in this one. I realize there's always more to do, and our government realizes that too. I feel this is one big step in the right direction.

What factors are usually considered, as it stands now, when there is a breakup? For example, how are the children considered? Is this taken into consideration as it stands now?

Mr. Ron Swain: In the different communities I've been involved with, they didn't have in place a regime for matrimonial breakup. So it ends up being in the jurisdiction of the police. They look at the circumstances for that particular family. For police services, the safety of children and women is always a priority. Unfortunately, that usually means taking people away from the matrimonial home.

I've also worked outside a reserve or first nations community, and there it's totally different. Usually they take the offender out and the offender is kept away. I'm not talking about for just a day; the offender is out until court deems otherwise.

The Chair: Thank you.

We turn now to Madame Bennett.

Hon. Carolyn Bennett (St. Paul's, Lib.): When CAP testified before the Senate, it said it hoped there would be provisions where there would be emergency accommodations made for families to go to a safe place and be protected, particularly the children.

Are you concerned that the bill doesn't deal with the practical things? Regardless of the law, there is always a need for a safe place for people to go in a community; there is always a need for shelter.

Mr. Ron Swain: You bring up a real good point. Unfortunately, in reading the bill, we don't see it. The bill doesn't talk about creating a safety net or...

But aside from that, although we've said it's not a perfect piece of legislation, we still support the concept of putting it through, because it is an important major first step.

Hon. Carolyn Bennett: The law can only do so much. If there's not access to the law, both geographically and financially, are you concerned that there's no plan to allocate resources to women actually being able to access the law?

Mr. Ron Swain: You bring up a good point there, because this piece of legislation would need support. It would need moneys allocated to, like you say, women's shelters, or for women to be able to access the court system. Even with this law, it's still going to come to some court in the provincial jurisdiction. For people to be properly represented, you need legal advice.

So if there's going to be misgivings about this legislation, it might be being silent on those.

Hon. Carolyn Bennett: As you know, when the ministerial representative, Wendy Grant-John, actually wrote the report, her caution was that the viability and effectiveness of any legislative framework will also depend on the necessary financial resources being made available for the implementation of the non-legislative measures, such as programs to address, just as you've said, land registry, mediation, court-related programs, local dispute mechanisms, prevention of family violence programs, a spousal loan compensation fund, and an increase of funding to support first nations communities to manage their own land.

Without those kinds of supports that were actually put in the original plan...which I think a lot of us at the time were cautioned ought not to be cherry-picked. You can't just put it in the law without all of the other provisions, the non-legislative provisions.

There seems to be a lot of concern from women themselves that this law on its own is not going to fix the problem.

• (1140)

Mr. Ron Swain: There are resources in first nations communities—probably not enough, but there are resources now. So if you have this legislation go through, there's a process, and there are some resources that women can access.

It's not a perfect piece of legislation—

Hon. Carolyn Bennett: But within your organization, do you have any relationship with shelters in the urban centres?

Mr. Ron Swain: Do you mean at the congress or myself personally?

Hon. Carolyn Bennett: The congress.

Mr. Ron Swain: We don't have formal agreements with shelters, but we have our affiliate organizations. Our community people access shelters, volunteer on shelter boards, are part of those experiences—

Hon. Carolyn Bennett: Have you been asked about the centre of excellence?

Mr. Ron Swain: No.

Hon. Carolyn Bennett: Do you think you should be?

Mr. Ron Swain: If you can tell me what the centre of excellence is, I'll—

Hon. Carolyn Bennett: Good question; we don't seem to know very much about it, other than that it seems to be helping first nations develop rules of their own. But we also are worried that instead of a comprehensive plan that would develop a real strategy for dealing with violence against women, and the menu of choices that women should have....

What would happen to the Métis woman in the situation you described? Do you think she would feel safe there, in that community that was not her home community? Would she not need to have the ability to somehow be with family?

There have to be other solutions than a matrimonial real property law, right?

Mr. Ron Swain: If this legislation had been in place, she would have had more rights than she did. Here she was in a community for two and a half years, where she had friends and had developed relationships with people. She probably could have gone, in an emergency situation, over to somebody's place, but because of the way the system is right now, with the band council resolution, she was the one who was asked to leave the community.

If this legislation had been in place, it would have changed that whole scenario. With the limited resources, there would at least have been a process for her to not be forcibly ejected from that home. Because violence was involved, she was victimized more than once: she was physically harmed, and then she had to leave her home of two and a half years, with her children.

The Chair: You have a few more seconds, Madame Bennett.

Hon. Carolyn Bennett: In these situations the question is that without access to legal aid, without supports and services, with a new law, how would she even deal with the band council or deal with decisions that are made?

Across the country we are hearing that women don't see that the law can do this. As my colleague said, when there is so little shelter space, so little programming for the prevention of family violence...I have trouble understanding how even when, at the Senate committee, you said there had to be provisions...and there aren't any in the bill.

The Chair: Thank you.

We will start the second round.

Madame Bateman, you have five minutes.

[*Translation*]

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Thank you, Madam Chair, and welcome.

•(1145)

[*English*]

Thank you so much, sir, for your testimony. It's very moving when we hear from somebody who has lived this reality and has tried to help. As a law enforcement officer you must have dealt with some frustration, because you weren't able to help with the 25-year legislative gap that exists.

In your response to one of my colleagues—in fact I think it was Ms. Ashton—you indicated that you yourself are a personal victim of this legislative gap, because of your mother's situation, in which she lost the rights to the property, if I heard correctly. I would like you to expand on that.

Mr. Ron Swain: I would like to explain that. It's more like the whole atmosphere around it. Discrimination against women is basically what it goes back to. It's at almost every level, going back generations.

My grandmother, who lived in a first nations community, married—on the paper or the registration it says French half-breed, but he was a Métis man. They got married, and because he was not a status Indian they were kicked off the reserve and she lost her status. So our whole family since then.... We didn't move far. The Swan Lake reserve is here and we moved three miles away. We all lived around that community, because we were all related and we visited with each other all the time.

That happened years ago. I think it was about 80 or 90 years ago. It's just now, a few months ago, that I got my status back. It was a few years ago that my father, under Bill C-31, got his status back.

Ms. Joyce Bateman: You were speaking about the endemic discrimination against women.

Mr. Ron Swain: Yes. It's discrimination against women, because that happened. It didn't happen against Indian men. It was happening against Indian women. So this is a part of it.

Here we are in 2013 and we still don't have legislation in place to protect women in first nations communities.

Ms. Joyce Bateman: Sir, as a former school trustee in the Winnipeg School Division, I can personally attest to the number of women and children who were flung away from reserve homes and thrown into the city. It's the largest school division in Manitoba. Of the 34,000 children we took care of, 25% were aboriginal, and of those, a very high percentage were people who had been turfed and dispossessed of all their rights to remain on the reserve. So I really respect your passion and your willingness to try to move forward.

I want to get your response again. You were talking about the protection of women suffering violence and your frustrations as a law enforcement officer. In your testimony you made a couple of comments. One was that you take the offender out. You also said the woman would then have rights to the home.

There has been much talk about shelters and how wonderful they are, but I think if I were an abused woman I'd rather have the home for my children, to maintain stability and a semblance of family upon the demise of the relationship, than be forced into a temporary shelter.

I'd like you to speak to those several points as well, sir.

Mr. Ron Swain: I just finished being a police officer a few months ago.

Ms. Joyce Bateman: You have 30 years of experience.

Mr. Ron Swain: Every time we went to a first nations community, there was always a reluctance on the part of the police because there was this grey area.

Ms. Joyce Bateman: Because there are no laws.

Mr. Ron Swain: There's a void of legislation, or a void of authority, when it comes to domestic violence in first nations communities. It's very problematic for the police, because we're sitting there thinking.... You grab the person who is doing the offence, they're arrested, and they're put into the court process, or whatever that legal process is. Eventually, the person is released and they go right back to the home. The police are in a position of having to be very careful that the woman can get her stuff out and get out of the place, because there's no protection. That's totally different from non-first nations communities, where there is protection. And you're right, it's the protection of children. They feel most comfortable in their own home, around their own friends.

• (1150)

The Chair: I'm sorry to interrupt. Our time is up.

Thank you, Ms. Bateman.

Once again, I want to thank Mr. Morelli and Mr. Swain for being with us today at committee.

Mr. Ron Swain: Thank you very much for having the opportunity to speak here.

The Chair: Thank you.

[*Translation*]

I am now going to suspend the work of the committee and invite our next witnesses to take their places.

• (1150)

_____ (Pause) _____

• (1150)

The Chair: We are now going to resume the meeting.

First, I would like to introduce our two witnesses. With us, we have Ms. Courchene and Ms. Manitowabi. Thank you for joining us.

You each have a maximum of 10 minutes for your presentations. After that, we will move to questions.

Ms. Manitowabi, the floor is yours.

[*English*]

Ms. Rolanda Manitowabi (As an Individual): Thank you very much for allowing me to be here. I will share in a nutshell what my story is and my perspective.

In 2001 I entered into a relationship and shortly after we decided to build a home. The home was being built on his property. To try to protect my interests, I asked that the land be transferred in my name. My former partner produced a land transfer in January 2002 and gave it to me.

I began to finance the house construction. We moved in, in June 2002, and continued to work on the home. In 2003 I asked that my name be added to the house title. I had to, and I agreed, be liable for the outstanding loan, in addition to my own debts that I incurred, which were under my name, in constructing the house.

In 2005 my relationship was very strained, very clouded and complicated. There was a lot of conflict and stress. My former partner practised cultural ceremonies, helping others, and I supported him throughout. However, since 2001 he did not go back to work after his contract ended and I was paying all the bills, financially

helping him to continue to help others, and supporting people seeking help. In 2005 he signed a quitclaim and handed over the title of the house and the loan to me, but it was never processed.

In 2006, after much torment, isolation, emotional and psychological abuse, illness, financial debt, and stress, I ended our relationship. I intended to stay in the house, and I was supporting him through an episode of illness. I tried negotiating, reasoning, coming up with some compromise, but he firmly stated all along that it was his house.

On January 1, 2007, my son and I were thrown out of the house. I had no place to go. I was in a crisis. I went to a shelter in a neighbouring town where I had sat on the board. The community was silent. Few people asked what had happened. When I went to move my belongings, people showed up to take appliances or offered to buy things from me. I was angered and humiliated, and I moved only what I could. I moved into my sister's house.

I carried on with my responsibilities of work, council duties, paying the debts, and I sought help. It seemed like no one wanted to help me or to deal with me. I was in a prolonged quiet crisis.

I learned in May 2008 that the land transfer I received in 2002 was actually amended that same day, and he had left with a copy that had only my name on that land transfer. I also learned later that the quitclaim was actually cancelled by him, which is why it was never processed.

Clearly I was not only taken advantage of, but I believe it was calculated since 2002. In December 2008 I filed a civil lawsuit. I didn't want to talk about family issues, culture, tradition, impacts on my son, as I was still dealing with all of this. I just wanted some of the money back, for which I had receipts, from building the house.

It took a while to find a lawyer to help. All first nations lawyers were in a conflict of interest. I filed representing myself, and later I found someone to help me. After much delay, stalling, and refusal to participate in mediation, we went to trial in July 2012, four years later.

I sought help to deal with the impacts, to help my son, and I'm doing better now in helping him since I have been able to deal with some of the issues myself.

At the court trial, my case for financial claim was presented. I had testimony for each receipt. I went through all of the receipts I had. His side was a real fiasco, with character references for traditional ways and repetitive messages from the judge about court processes. He had his two young nieces representing him. All I wanted from the court was some of my money back.

There was no jurisdiction, no guarantee of payment, even if there was a court order. The trial was going on every couple of days here and there from July to October 2012, and it was very frustrating. My emotions and mental state were high and low. I ended up taking time off work.

•(1155)

In October 2012 I settled for a lesser amount, just to stop this. I didn't want to hear any more about culture, tradition, or respect while sitting in a courtroom. I appreciate my responsibilities and the mistakes that I made in this relationship. I didn't want to be in a court with character references or such things. It was supposed to be about money to build a house and what I was owed if he kept the house.

In looking back, he threw out my son and I after I incurred the debt of building the home. Now I understand it was calculated since 2002, with the land transfer that he knew was amended that very same day. The traditional teachings didn't make sense to me in going through that whole court thing.

This legislation would have helped to determine share and occupancy, and it would have considered the impacts on my son. I hope it's available to help other women and children on reserves. I only had my family to turn to and I'm grateful for them.

Thank you.

•(1200)

The Chair: Thank you, Madame Manitowabi.

Now I'll turn to Madame Courchene.

[*Translation*]

Ms. Courchene, you may begin your presentation, please.

[*English*]

Ms. Jennifer Courchene (As an Individual): First of all, thank you for listening to my story. I'm really nervous. I've never told this story in front of so many people before.

My name is Jennifer Courchene. I have four kids. I'm a first nation woman from Sagkeeng First Nation, Manitoba.

The Chair: I'm sorry, Madame Courchene. If I can, I'll just ask you to just raise your voice a bit to make sure everybody hears you.

Thank you very much. Go ahead.

Ms. Jennifer Courchene: I'm here today to tell our story. It's not only my story; it's my children's and my story. I'm here today with the support and approval of my children. With that, I am only here to represent my kids, nobody else.

We currently reside in Winnipeg due to the fact that we're not able to live in our home in Sagkeeng. My children are 18, 11, and 8. The 18-year-olds are twins. They're of age now. They're going to be 19 this year. When we were kicked out of our home, they were 7. I was in a common-law relationship for 10-plus years.

After our twins were born, my common-law boyfriend and I were engaged. The twins were born in 1994. Before 1994 I applied for a house with Sagkeeng, and we were granted a house in 1995. The twins and I moved to Winnipeg in 1996 because the place we were living in, in Sagkeeng, was a one-bedroom apartment, so we moved to Winnipeg because the apartment was getting too small. The twins were two years old. They were getting big. There were four of us living in the one place.

It was actually only the twins and I who moved to Winnipeg, meanwhile maintaining a relationship with my ex-fiancé—a long-

distance relationship because he stayed in Sagkeeng. After we were granted the house, in 2006 we were able to move back to Sagkeeng because our house was complete. My second daughter was born in 2001. In 2002 we were kicked out of our house—the twins, my second daughter, and I. My ex-fiancé was a drug addict. He was also an alcoholic, and for 10-plus years we suffered, my kids and I, emotional abuse, physical abuse—all kinds of abuse.

When we were kicked out the first time, we became homeless. When we were kicked out, I was getting our stuff and my ex-fiancé called the RCMP on us. They came to the house and told us we weren't able to take anything from the house—nothing. The only things we were allowed to take were our beds and our clothes. We left. We were homeless. We had nowhere to go.

I didn't like to get my parents involved, my family. I tried to shield them from that, to shield them from what we were going through. I called my parents that day. They took us in. We went to their place and lived next door to them. My brother had a house and they said we could move in there, my twins, myself, and my baby—she was just a baby at the time. We lived there for a few years. I managed to find a place in Powerview, so we lived there for six-plus years. I worked with Sagkeeng, with the band. I kept my job. I did everything I could to keep our lives going.

Then in 2011 my landlord said he was moving back to Powerview, so I would have to leave. Once again, we were homeless. We didn't have anywhere to go. I asked the ex-fiancé if there was any possibility he could find it in his heart to let us move into our house, and he said “Yes, you can move in with the condition that you're only here temporarily, because it's still my house. It still belongs to me.” I said okay. It didn't matter to me, as long as my kids and I had somewhere to stay and as long as we had a roof over our heads. He said I should remember that I was only there temporarily, and I said okay. We moved there in September of 2011, and we stayed there until July of 2012.

•(1205)

In the whole time we stayed there, in order for us to live in that house we had to renovate it. We spent thousands of dollars renovating that house, because it had been vacant for nine-plus years. It wasn't maintained, so we spent thousands fixing it up. Throughout the whole time my ex-fiancé was harassing us, asking over and over when we were leaving, saying that we had to get out, that we had to leave because the house was situated on their land. I said we were doing all we could to leave.

We finally left in July of last year and moved to Winnipeg. I found a place in Winnipeg. The whole time we've been paying rent, we've been paying somebody else's mortgage. I've paid almost \$80,000 in rent since we've been homeless, since we weren't able to live in our house. I'm not complaining about that. I would do anything to find a place. Where my kids are concerned, I would do anything. We're living in Winnipeg now. The house is still situated on their land. We've done all we could to try to get our house back.

With our leaders, chief and council, we tried to get the house back. Our leaders told us—this was in the mid-2000s—the only way we would get our house back is if we went to court. So I went to court. It took just under two years. At the end of the court process the judge said all he could do was grant me the right to occupy the home. He said they can't give me the house because it's on crown land. I said okay, but it was kind of disappointing because our leaders were depending on him giving us our house. That's the only way they could move it.

After that I just kind of gave up. We fought for it for so many years, and we just gave up. We kind of said, okay, well, I guess we'll never get our home back. I guess we're going to pay rent until we can afford to buy our own house on the reserve, because it doesn't seem we're ever going to get help. It just doesn't seem that way. My family and I have become stronger because of it.

That's everything. I'm sorry for....

• (1210)

The Chair: Madame Courchene, you don't have to be sorry. Thank you very much for your words.

We will start our first round with Madame Young.

You have seven minutes.

Ms. Wai Young (Vancouver South, CPC): I really want to thank you for being so brave, for coming today and sharing your testimony with us. It is truly, truly heartbreaking to hear your story, which is why we are here today.

I'd love to spend more time sharing our stories, because many of us have, in many different ways, worked with first nations and have walked with them. I have worked to build shelters and homes in the downtown eastside in Vancouver. Many of us in Manitoba, Calgary, and across...we have worked in shelters and with school children who have been similarly evicted and tossed away from their communities, as in the story you've told. We certainly have never walked your walk, of course, but we really want to walk alongside you, which is why we're here today to talk about Bill S-2.

Earlier on we heard testimony from the Congress of Aboriginal Peoples, which supports this new legislation. Vice-Chief Swain talked about the fact that he is now the third generation. His grandmother was evicted from their community and their home, and they have had to spend time away from that community, etc.

So we hear your current stories, and for over 25 years we have identified this legislative gap—we know there's a gap there—so we are presenting Bill S-2, which is legislation to close that gap to give you the rights that other Canadian women have.

If what happened to you happened to me, I would have a different outcome in the courts, right? And you have experienced everything in terms of hanging on through all of the pain, and in fact being evicted from your home and your community, where, in your case, Ms. Courchene, the home was vacant. Is that correct?

Ms. Jennifer Courchene: Yes.

Ms. Wai Young: Your partner was not even using the home. It was almost deliberately vindictive, to evict you from the community, and you had absolutely no rights.

I want to ask a couple of questions, because the opposition is not supporting the legislation. They do not feel this is important or necessary, or it's not perfect, and that's why they're not supporting it. Some opposition members have said this is just a piece of paper. It's going to make no change to communities across Canada.

I want you to speak to this, because that's not what I heard today. Having been through the court system, having had the court rule against you because of this sense of title...and giving aboriginal women rights as well as giving children and families protection. Do you think it's just a piece of paper, or do you think that having this new legislation in place will change the outcome for you—what you've gone through and where you would be today?

Could you both speak briefly about that?

Ms. Rolanda Manitowabi: I think if there had been that option more immediately, if there had been some place to go.... I know that maybe I'm in a different situation, and Jennifer as well. I'm just meeting her now, a hard-working woman taking care of her family. There are many women, however, who are very isolated and are not able to have those options or choices, or even the ability maybe to seek out legal counsel or whatever.

I think legislation can be just a piece of paper, but it doesn't necessarily have to be, and if we don't have it, then what do we have in the meantime? More women and children are being.... You know, they have no rights, and we do need all those supports in our communities. We know about the inadequate resources in many first nations, but why do we have to continue to suffer until something is 100%?

I think if this legislation had been in place, there would have been someplace to go more quickly. It would have been clearer. Maybe there would have been more people available to help with the situation.

• (1215)

Ms. Wai Young: Thank you so much.

Ms. Courchene, do you have a response to that?

Ms. Jennifer Courchene: Yes. I'm not sure about the politics of this legislation, this bill. I just know that there should be something in place to help. I'm sure I'm not the only one who has gone through this in a first nation community. There are probably many, many other women who have gone through what I've gone through, and the story is pretty much the same: the woman loses the home. I'm not sure how other first nations communities are run, but if there had been something to help us, we would have taken it, rather than be homeless, that's for sure.

Ms. Wai Young: What this legislation does is it provides that women and children in a matrimonial situation where there's violence can stay in the home. Would you prefer to stay in your own home, or would you prefer that we spend hundreds of millions of dollars building more shelters so that you can leave your communities and be in a shelter?

Ms. Jennifer Courchene: That's one of the steps.

The Chair: Ms. Manitowabi.

Ms. Rolanda Manitowabi: I would prefer to stay in my own home and not have my son experience what he did. At the same time, there needs to be protection, because even if I stay in the home, there will be no guarantee that I won't be harmed in some way.

Ms. Wai Young: This legislation also provides for an emergency protection order so that you will be protected. In addition to that, this legislation provides for a centre of excellence to be created, so that centre will be available and will have resources for all the different bands across Canada, to help them develop their own legislation on reserve. So your band could develop its own legislation to resolve the situation, or put in place some specific family act within your reserve to address the situation you're in.

The Chair: Thank you.

We'll have to stop here.

[Translation]

We now move to Ms. Ashton, for seven minutes.

[English]

Ms. Niki Ashton: Thank you.

Thank you very much, Ms. Manitowabi and Ms. Courchene, for sharing a very difficult part of your lives, and even more so in public.

I do want to be clear that for us in the NDP there's no question that there is a gap when it comes to what indigenous women on reserve—because that's what we're talking about—can access. I think both of you alluded to the fact that we need to look at issues like access to housing, access to shelters, access to police to enforce an emergency protection order so that there is that kind of enforcement. Particularly women, and your children and their children, need it most.

We're here to do the best we can. It's not just about putting forward a piece of legislation without looking at those options.

One of the concerns raised has been that first nations haven't been listened to on a nation-to-nation basis.

Ms. Courchene, I had the opportunity to connect with the chief in Sagkeeng, somebody I've worked with on other issues. I'm wondering whether he has raised, or, in your experience, whether any of the counsellors have raised, the lack of consultation directly with Sagkeeng or with other first nations when it comes to this bill.

• (1220)

Ms. Jennifer Courchene: I'm not certain of your question. Can you elaborate?

Ms. Niki Ashton: No worries. I'm just wondering. One of the things that the Assembly of Manitoba Chiefs...one of the things that I've heard from first nations in our area of Manitoba anyway is the lack of consultation. Because Sagkeeng has its own land code,

unlike other bands that have different scenarios...obviously, there needs to be a discussion to incorporate that approach. There's no funding for the band for transitioning into this piece of legislation. There's no aid in terms of legal advice to have a better transition. That's one of the concerns that many first nations have been raising.

I'll just move on to another issue that I think both of you raised. It's the situation around not just access to your own house, but the opportunity to live elsewhere on reserve. I'm wondering what the housing situation is with your first nations. Is there a lack of housing? If there is, how extensive is it?

Ms. Rolanda Manitowabi: There's a lack of affordable housing in our community. I was really lucky—this doesn't happen very often. Another band member was selling his home, so I went and got a mortgage to get that house. I had to go through the band council to get a BCR. This was later in 2007, the same year I was thrown out of my house.

People in the community were saying things like “Just make sure it's in your own name” and “Now you have your own house”, comments like that. And I was thinking it wasn't fair that I was paying for another house. But they just didn't understand.

The thing is, no one talks about it. When you're dealing with this as your own quiet crisis, you don't know what's true or valid, and you second-guess yourself on everything. It was just a really clouded time for me.

I'm glad I was able to find help through all of that during those years. People stuck with me, and that helped to validate the truth of the matter for some things. That helped me, and I'm doing a lot better.

Ms. Niki Ashton: I don't know, Ms. Courchene, if you want to add something about the housing situation.

Ms. Jennifer Courchene: It's just like any other community—there's a lack of housing everywhere. I can't speak for our leaders, because they're not here. But I do see that there are families who need homes. It's probably not their fault, but it's really hard to find homes.

Even me finding a place in Powerview, that was really rare. If somebody is renting out their house in the community, you're in line with 500 other people trying to find somewhere to live.

Ms. Niki Ashton: The chief told me that in Sagkeeng there's a shortage of 500 to 600 houses.

Ms. Jennifer Courchene: Exactly.

Ms. Niki Ashton: What about access to legal aid or mediation? I know it's something that is more accessible in urban centres or under provincial jurisdiction. In your experience, how easy was it to access legal help?

Ms. Rolanda Manitowabi: I went through a few lawyers, for various reasons. They all did what they could to help me, but they could only take it so far. I was worried about missing the two-year deadline. I didn't have a lawyer at that time, so I filed a civil suit and proceeded to represent myself. I had no idea what I was doing. Anyway, eventually I was able to find a lawyer to help me. He helped me throughout.

•(1225)

The Chair: Sorry to interrupt you, but your time is up. Thank you, Madam Ashton.

Now we'll go to Madam Ambler. You have seven minutes.

Mrs. Stella Ambler (Mississauga South, CPC): Thank you, Madam Chair.

Thank you both, Rolanda and Jennifer, for being here today.

We can all see how difficult it is for you to tell us your stories. I absolutely admire your strength and your courage for being here. I know it's a public place.

Jennifer, you said you'd never told your story to so many people all in one place, and I bet the same holds true for Rolanda. We really appreciate it. We know it's difficult, and we thank you so much.

The reason this helps us, and why we're thanking you today for coming, is it makes us, as politicians and parliamentarians, recognize that we can talk about what we're doing here, we can talk about every aspect of the legislation in an impersonal way, but when we see you and we hear your stories...we all want this legislation to pass because we know that we won't see any more people going forward—any more women—who have the same problems that you do. It's women and children, because not only did you suffer for many years because of this problem with the law as it is—or because it doesn't exist—but your children suffered as well. That's very apparent.

Just in the last hour, the Congress of Aboriginal Peoples' vice-chief told us that they look at this as an equality issue. They don't believe that making this equal for women on reserves and giving them this right in any way takes away other rights from indigenous people as a whole.

I want to ask you if, based on whatever knowledge you have of this bill, you want to see it pass in Canada's House of Commons because you think it will help other women in the future not have to go through what you went through.

Ms. Rolanda Manitowabi: Absolutely, I'd like to see this bill pass.

I'd also like to see more advocacy for what's needed for the first nations leadership in all communities. I know they're doing the best they can, and perhaps there are ways that communities can also help the men in the community with shifting attitudes, thoughts, and societal beliefs.

We all need support to become who we're really supposed to be, so that we can serve our communities and our society better.

Mrs. Stella Ambler: Well said.

To add to your point, I believe that if men and women had equal rights, it would help.

Your ex-husband seemed, from what you told us, to know from the very beginning that you would never have access to that home if anything happened to the two of you and to your relationship.

Would you say that perhaps throughout the marriage he acted accordingly?

Ms. Rolanda Manitowabi: Absolutely.

Mrs. Stella Ambler: He said, "I know I can kick her out, I can leave her, I can leave my family, and I've got nothing to lose."

I think, Jennifer, your situation sounded the same. These men know there's nothing they have to pay for. They can make a decision like this that can affect you and your children and never have to pay for it. There are no consequences for them.

That's not a question, but feel free to comment.

Ms. Jennifer Courchene: It definitely would have helped. I know it will help.

•(1230)

Mrs. Stella Ambler: We heard Ms. Ashton asking about consultation. You may not know that we've had many years of consultations on this; we've spent many millions of dollars—\$8 million—and had 103 meetings and consultations about this in 76 different communities across Canada. There have been four reports and three parliamentary studies telling us as MPs that it's time to pass a law giving women these rights on reserves.

Just knowing that, would you say that we need to talk more about it? Do we need to consult more with people, with chiefs and with first nations, or would you say to just get on with it?

Ms. Jennifer Courchene: I think everybody needs to be consulted. In order to get support from our leaders, they would need to be consulted. For them to support me, somebody has to support them, right? It goes around. It has already been more than 10 years that we've not been able to live in our home.

Mrs. Stella Ambler: We've been talking about this for longer than that.

Ms. Jennifer Courchene: Really? If it was in place, we wouldn't have paid over \$80,000 in somebody else's mortgage.

Mrs. Stella Ambler: The first report of the Aboriginal Justice Inquiry of Manitoba asked politicians and Parliament to immediately address the issue. That was in 1991.

[*Translation*]

The Chair: We now move to another question period.

Ms. Bennett, the floor is yours.

Hon. Carolyn Bennett: Thank you, Madam Chair.

[*English*]

Thank you very much for your story. It is only through the stories that we can understand really the complexity of what you've been facing and what everybody can see is not fair. Fairness is what Canadians expect from us, but as you know, some of the advocacy organizations are concerned that even Wendy Grant-John, when she wrote the original report, felt that the non-legislative things needed to be in place.

Tell us what it would look like if you had been fully supported during this time, in terms of access to justice and choices. As parliamentarians, what kinds of things should we be advocating for that would mean that whatever law gets passed women in your situation in the future would be able to use it fairly?

Ms. Rolanda Maniwabi: Maybe there should be some enhancements with police services. When I called the police to see if they could have him removed from the house so that my son and I could move back in, they indicated that the house title was in both our names. He had a right to be there and so did I. I didn't want to go back to being physically assaulted just to get the house. I was still very fearful, and I am still. Maybe those protection orders in the legislation can help out with that.

Other services could include outreach. No one talks. When you're humiliated like that, no one talks directly to you about it.

• (1235)

Hon. Carolyn Bennett: Jennifer, you talked about the difficulty in getting appropriate legal help and that there's sometimes a conflict. Tell us a little more about that, about access to legal help.

Ms. Jennifer Courchene: When I went to court, the judge did want to help us. He said he would help if he could, but he couldn't. He said his hands were tied. He said the only thing he could do was to give me the right to occupy the home. That's all he could do. I said I was under the impression that our leaders told me to go there to get the home given to us by him. I didn't know anything at the time. He said he was sorry, but he couldn't do anything because the house was situated on crown land. He said if my ex-fiancé was staying in the house, all I had to do was show him the paper; go to the RCMP and give the RCMP the paper. He'd be given two weeks to vacate the home, if he was staying in the home, but he never stayed in the home for nine years. When we were gone, he moved out. He moved to his mom's. As soon as we left, he left.

I never had that problem, but we weren't ever able to go back there. There were private property signs put all over the house and big logs put across the driveway. We weren't even able to go in there and get anything after we were kicked out. We weren't able to go in even with a police escort. We weren't allowed to do that because it was their land.

Hon. Carolyn Bennett: We hear from women that sometimes even with an emergency protection order it doesn't feel safe. The policing or the actual protection 24/7 isn't really possible, and if somebody wants to come, particularly in situations of abuse, it's pretty difficult in these kinds of remote communities.

What would be the answer? How do we grapple with how we make things better?

Ms. Rolanda Maniwabi: Physical safety is one thing, but when you deal with the emotional and mental issues, and the safety, it's just like.... Even though there was a sense of ceremony, family, and helping people in the community coming for help, and those sorts of things, when I was kicked out I didn't have that to fall on; those supports were gone. I just didn't feel safe to go back.

I don't know what the answer is. You just have to continue somehow with that outreach. A woman, or anybody, who is victimized has to start building that sense of safety. I'm happy now I can sleep at night. But that doesn't mean it's safe even in the community when I run into this person. Sometimes there are gestures or obscene words and stuff like that, and there's a lot of tension if my son runs into him and things like that, so it's still ongoing.

Hon. Carolyn Bennett: We start with our sons.

Ms. Rolanda Maniwabi: He's growing up to be a nice, caring young man. I'm so proud of him.

Hon. Carolyn Bennett: I'm sure.

[Translation]

The Chair: Ms. Crockatt, as I said that we would be finishing at 12:45, I can give you a few more minutes. But I am going to interrupt you in about five minutes.

[English]

Madame Crockatt, you can go for a few minutes.

Ms. Joan Crockatt (Calgary Centre, CPC): I want to echo, too, ladies, my tremendous admiration to you for coming here, because I know it's not easy. My mom was involved in starting one of the early shelters in Alberta, and it was because she met someone like you on the street who had nowhere to go. She just felt that there should be a need....

Mostly it is your personal stories that we're here to hear about. Other people have spoken to the ins and outs of the legislation, but really it's you we're trying to help.

I want to finish with a couple of questions that you were asked but I thought you had something more to add. Both of you talked about this feeling of vulnerability and that you didn't feel safe, and I saw tears coming. I know these things are difficult to talk about, but you are here now and I'm just wondering if you are feeling any differently, knowing that if this bill passes, you would have a right to stay in your home if you were physically abused, a right to have that upheld by the police and the courts, and a right to get an emergency protection order against the person who was abusing you.

I'll ask you that first, Rolanda, please.

• (1240)

Ms. Rolanda Maniwabi: Oh, absolutely.... I'm sorry, I lost track of your question.

Ms. Joan Crockatt: It's just about your feeling of vulnerability. Do you feel any differently sitting here today knowing that this bill is before Parliament now and might change the outcome for you? Does it change how you feel?

Ms. Rolanda Maniwabi: It changes how I feel, and I'm hopeful for other women and men who are caretakers of their children and who provide for their children. I'm hopeful for that.

Going back to the question that Ms. Ambler asked Jennifer earlier, about whether we should get on with it or talk some more, I think this legislation should be passed, but more talk needs to happen with regard to implementing some of those other services that are needed, like the shelters, protection, and increased understanding and whatnot.

Ms. Joan Crockatt: Okay.

Jennifer, do you feel any differently now, knowing that this is what we're talking about, about women actually having the right to stay in their home? Would you feel different now living in a home on the reserve and sharing it with a man if this bill is passed?

Ms. Jennifer Courchene: My children were elated to know they might actually be able to live in their home. They were really happy. They said, "Can we move back into our own home if this bill is passed? We've been living in somebody else's home for so long." They were very happy.

You know, I'm the mom, so if it makes them happy, then I'm happy. They want to be home. They want to be close to their family, because all our family is in Sagkeeng.

My parents are getting older. They're grandparents. They want to be close to their family. Just because there was a marital break-up... my kids are still very close to both sides of the family. It's something that I can't replace. We can't have that in Winnipeg. We have to drive an hour and a half north to Sagkeeng to take them there.

So, yes, it definitely changed the way we feel. We're a little bit lighter, knowing that somewhere down the road we might actually be able to live in our home.

Ms. Joan Crockatt: Is that a better option than shelters?

Ms. Jennifer Courchene: I've never gone to a shelter—ever. I've been fortunate enough to have family open their homes to us, so I cannot say.

Ms. Joan Crockatt: But it's better to be in your own home.

Thank you again, very, very much.

The Chair: Thank you, Madame Crockatt.

I want to thank our witnesses one more time.

[*Translation*]

Ms. Manitowabi, Ms. Courchene, thank you very much for accepting our invitation to appear before the committee.

I am going to call for a short break. We will resume our work in about one minute.

[*Proceedings continue in camera*]

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