

## The Mass Incarceration of Rural Indigenous Women in Canada

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Date of the Event – March 15  
Centre

Place of the Event – Church

Total Number of Participants – 68; 63 women, 5 men

#### Name and Organization of Panelists

Moderator – **Dr. Julie Pelletier**

Speaker – **Terry Duguid**, Member of Parliament for Winnipeg South, Parliamentary  
Secretary for the Status of Women

Panelist #2 – **Senator Kim Pate**, Senate of Canada

Panelist #3 – **Chantell Barker**, Community Justice Development Coordinator at  
Southern Chiefs Organization Inc.

Panelist #4 – **Annetta Armstrong**, Executive Director of Native Women’s Transition  
Centre

Panelist #5 – **Debbie Lipscombe**, Education Policy Analyst, Grand Council Treaty #3

Panelist #6 – **Terrance Delaronde**, Lawyer at Cochrane Saxberg, Board Member of Ma  
Mawi Wi Chi Itata Centre

Panelist #7 – **Grand Chief Sheila North**, MKO Grand Chief

#### Agenda of the Event: Summary of Discussion

- Introduction by Julie Pelletier
- Greetings by Terry Duguid
  - Inconsistent use of Gladue reports, frequent use of solitary confinement, lack of culturally appropriate programming
  - Positive stories: healing programs, restorative justice approaches, more life-supporting approaches

#### Senator Kim Pate

- Originally uninvited, now invited guest of the Algonquin people
- Lived in many Indigenous territories as a first generation invader
- 40 years: painfully obvious the impact of colonization on peoples in our country
- 39% of women in federal custody are Indigenous women; 43% of girls in custody, in general, are Indigenous
- Researchers: some of the first women jailed were in reserves – if you went off the reserve without authority of an Indian Agent, then you could be prosecuted. The first women who would be jailed were women who left with their children to prevent them from going to residential schools
- Every push to improve actually backfires and results in more and more Indigenous women in prison. They are the fastest growing prison population
- Indigenous women increasingly youngest population in jail, unanimously poor, all through child welfare system – it is not building healing lodges or improving programs in prisons; these become excuses to continue
- Prisons are the only place that cannot say ‘sorry, our beds are full’
- 91% of indigenous women in custody have experienced physical and/or sexual abuse
- The most under-protected and over-policed in the country
- see mental health issues also on the rise

- should have NO segregation
- plans that were put in place when federal prisons for women were opened more than 20 years ago was supposed to be decarcerating women – not supposed to have fences around them. They were supposed to be places where communities would come in, and women would go out. That was what was planned for the prisons.
  - This never happened
- Indigenous women plead guilty because they don't think they will get a fair trial – 42% of women on maximum security are Indigenous
- If you're classified as maximum security as a woman, you are placed in a segregated unit – not if you're male
- Segregation is a status and a place
- Status of Women Committee and Senate Committee on Human Rights looking at this – 1992 law, put in place to have Charter in prison systems
- Corrections and Conditional Release Act (CCRA) was brought in place to introduce the Charter of Rights and Freedoms to prisoners in Canada, but they don't know about it. Section 29 of the act allows for those who have mental health issues to be taken out of a prison for health reasons; usually used for heart attacks; Section 77 requires government to engage with women's groups, and Section 80 with indigenous groups; Section 81 and allow for prisoners to be released to serve their sentence in the community; and Section 84 allows them to be paroled into the community
  - Community can apply, can say they want to sponsor one woman, or 10 – problem is, correctional system of Canada has set up policy and has prohibited this, but policy cannot limit the law

### Chantell Barker

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- Employed with Manitoba Justice for 10 years prior to what she's doing now
- Went behind enemy lines – got to see the people in all of the different correctional centers across Manitoba. We have the highest amount of indigenous people incarcerated; stats say 75%, but eyes, heart and mind say more like 90%
- See broken spirits – see them have no hope, impacted by colonization and the intergenerational effects of residential schools
- With Manitoba Justice, broke glass ceilings; developed culturally-appropriate program, and it's the first and only cultural program recognized by Manitoba courts, and is mandated and offered in every correctional center in Manitoba.
  - Every correctional center had programing on colonization, on Indigenous identity, intergenerational impacts, how it impacts them today, and the question: how do we heal from this? Learned that people have a starvation for their identity; they don't know what happened
  - Program was 4 days long, 5<sup>th</sup> day was a ceremony
- Risk assessments criminalize Indigenous people. Assessed myself; never been in trouble with the law, and I'm a medium risk, meaning I probably am going to be denied bail if I get in trouble, I will probably get a higher sentence, and I'm probably not going to get early release
- Reason why I left Manitoba justice: Indigenous people need their own system. Need something based on healing, on our own culture. Then I got hired on with Southern Chief's Organization – loved working there. Grand Chief is solution-based; what is the solution? Restorative justice. Implementing restorative justice program in communities. Even though it costs \$250 every day to have someone incarcerated, we get minimal funding to run these programs in our community. Aboriginal justice inquiry, put together 20-30 years ago; ignored.
- Strong believer of the Aboriginal Justice Inquiry – need our own justice system. Our culture DOES work; culture deters people from criminal activity
  - Traditional ways of doing things, community-controlled, based on healing
- Using culture to implement their own justice system. So they created their own case management Social Needs Assessment, where they answer questions based on physical, mental, spiritual well-being, to see where they are on the medicine wheel.

- Brought into 2 people from 4 different gangs into one room – taught them about their cultures. By the fourth day, they were all talking together. They don't know how culture has brought them into this situation.

### Annetta Armstrong

- Spirit name: Standing Alone, from Buffalo Clan
- CEO of Indigenous Women's Healing Centre, now Native Women's Transitional Centre
  - 3 residential sites for women: first is essentially primary care (voluntary, provide them support, family environment, basic needs, shelter, programs so that they can learn about themselves and to just fight and resist systems that work against them)
  - Second stage facility is where women who are getting kids out of CFS can live and learn how to be a family again, provided support and company when they're lonely
  - Most recent residential site started was in 2012, in the core area of Winnipeg - Eagle Women's Lodge
    - working with women in the conflict of law at every level. Halfway house beds with Corrections Canada
    - Applied to be a Section 81 facility so women can come home; right now, if a woman is sentenced federally in Winnipeg or Manitoba, they get shipped out. No place for women to do their time in the prairies. Section 81 status will allow the women who are in minimum security to come back to Winnipeg, stay with us, be put in beautiful apartments with staff ready to give them family, culture, traditional teachings.
- We need to bring these women home, we need to give them their kids back, let them reconnect and repatriate them to their families

### **Video "Here is Tania"**

- Out of the 53 women serving life sentences, 45 are Indigenous
- Edmonton's maximum security prison had a 100% indigenous population
- Been in federal system of Canada since she was 19
- Physically assaulted, sexually harassed, kicked down a flight of 20 stairs, handcuffed to my back; walked down a hallway, shackled and handcuffed, naked with only a bedsheet, escorted by male guards, all at 19 years old
- Taken away from family, community, children. Shipped thousands of miles away from my home.
- Mom and grandparents are residential school survivors,
- third of six children – moved to the city, grew up in poverty, Child and Family Services (CFS) came and took us when I was 5. In and out of CFS from when I was 5 until I was 12, where I entered a juvenile detention centre. Joined a gang at 19, leading to incarceration
  - Going into the federal system, I thought that guards were treating me so bad and so poorly – and I thought it was allowed, thought I deserved it.
- Would not allow me to go home to pay my respects to my family when they passed away because it was too far. My son got sick and he was on life support in Winnipeg and they denied me a pass to come see him. He could have died and I wasn't there.
- I thought I was going to die in prison. That was my life and I accepted it; it wasn't until the day I put my application in to go for a pass, the day I got approved for that pass, I dropped to the floor – I knew that moment I wouldn't die in prison. After 16 years being inside jail, that I knew I wasn't going to die because someone gave me that one chance.
- We're all human beings, we all make mistakes, but we deserve to live life.
- I am 38 years old and I am not broken.
- Our women and girls need to be given a safe place to reclaim their own stories, their power, and their voices; more importantly, we need to hear them, and they need to feel heard.

### Debbie Lipscombe

- Grand Council Treaty #3
- Treaty #3 territory; 55,000 square miles, 33 members who live on and off communities
  - Isolated areas, hours' drive to any urban center; 2 communities have no road access, have to travel by boat or skidoo
- 7 female Chiefs from our territory; 25% of our leadership is female
- implementation of a Four Directional Governance Model
  - Women's Executive Council
  - Youth Executive Council
  - Social Sustainability Chiefs
  - Cultural Sustainability Chiefs
- territory had 6 residential schools; intergenerational trauma, poverty, mental health issues, many communities declared social emergencies in relation to youth suicides, high chronic disease rates (diabetes, heart disease, cancer), issues of human trafficking because they're located between Winnipeg and Thunder Bay, and Lake of the Woods
- women within correctional centers talk about being ridiculed, threatened, name-calling, judged, criticized, deep shame – concerns are trivialized when they try to bring them forward
- lack of supports for women exiting provincial and federal correctional facilities within the territory – housing, employment, education, child welfare
- examples of reported occurrences in treaty #3 (T3P six year reports):
  - domestic violence = 1,235
  - missing persons = 573
  - 3305 assaults
- Kenora jail: 30 beds for women. 93% of admissions are Indigenous women, which is 4x higher than their representation in the general population of the region
  - Inmates are suffering from mental illness, cognitive impairment or addictions
  - unique population – most of the inmates come from remote First Nations areas and may have ever left their home communities before. English is not their first language.
  - Families are sometimes hundreds of kilometres away and they are not able to have regular visits
  - highlighted the issues of poverty, homelessness and need for affordable housing
- Indigenous led conference on March 7, 2018 at Seven Generations Education Institute
  - Over 90% of people there are on remand, which means again they're presumed innocent
- Our story – kaakewaaseya: means 'good path' and it gives direction to the grand council treaty #3 justice programs

### Terrance DeLaronde

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- Over 11,000 children in care by child welfare agencies in Manitoba
- Indigenous people make up 17% of Manitoba's population, but over 90% of children in care are indigenous
- Child welfare agencies in Manitoba apprehend a newborn per day
- How can indigenous men be allies?
- Largest Indigenous law firm in M.B. called Cochrane Saxberg Law
- Aboriginal Justice Inquiry in M.B., 1991: 27 years ago examined relationship between Indigenous peoples in M.B. and the justice system. They devoted an entire section to child welfare.
- Phoenix Sinclair inquiry, 2013: one of the largest inquiries, examined child welfare system in great detail

- Truth and Reconciliation Commission (TRC) of 2015 set out to redress the legacy of residential schools in Canada
- The TRC produced 94 calls to action, and the first 5 are for child welfare.
  - calls for all levels of government and Indigenous leaders to reduce number of children in care
  - Phoenix Sinclair inquiry recognized the issues behind the child welfare system are beyond the system's scope; substance abuse, deep poverty, inadequate housing and intergenerational trauma
  - We need collaboration and we need to be on the same page, we have more children coming into care not less, further perpetuating this vicious cycle.
- Role as a lawyer is to represent the child welfare agency when a child is apprehended
- encourage creativity and resolution with child's best interest in mind
- **Two stories:**
  - Young boy brought into care moved around outside his community; foster home breakdowns, no stability, loss of community connection; ended up in youth detention like many others, learned the systems instead of family systems and values. Aged out of care, father of a child he has never met. His child is now in CFS.
  - Boy assigned worker from Indigenous welfare society, worker was supportive and helped mother secure a home. Boy went home with his mother. The boy is growing up in his family system and with his family values

#### Grand Chief Sheila North

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- Represent 30 beautiful communities, 72,000 people, considered the poorest region in Canada
- some say the justice system isn't broken because it's working for the non-Indigenous folks
- alarming to grasp some of the realities of what's happening, and we're also forgetting that our girls that are incarcerated are human beings that have a lot of life to give, and when I think about their survival stories, I think of them just as that; they're in survival mode when we see them on the streets, when we see them being incarcerated.
- One woman from the community, was trying to take care of her community, she made bannock. She went to go out to get some clic(?), but she didn't have any money. The store owner smacked her over the head with a bat and killed her for having taken a can.
  - He's never been charged. Witness that was there did not want to speak up. She leaves her kids and her family and now she's gone – no one will ever be held accountable for her death.
- In my own situation, I was living in an abusive relationship for a while in my adult life, became vulnerable because I didn't know how to assert myself and feel like I was worthy of protection. The very first time I called police for help, they came to my apartment, and threatened to charge me too, and send me to jail. Taught me not to rely on police for help.
- A lot of women and girls that are statistics have the same problem – become criminalized at an early age and it just spirals from there
- Once you're in the child welfare system, your family becomes tagged as a problem
- Reality is that all of these systems have to come back to the Indigenous people and we have to be able to conduct these forms of community development from our perspectives
- We're ALL part of the same problem – maybe you're on one side of the treaty, and we're

on the other side.

- One Chief said he was tired of dealing with broken windows and doors and said that if you want to replace a door or window, you have to go talk to your grandmother, your aunt, your elder – someone who’s wiser and older. If they think that you deserve to have a replaced window, you have the onus of talking to the elder and to explain to them what happened. Wasn’t until they were satisfied that the elder would come to ask for the window or door.
- Underlying message: one thing I told our kids when I saw them at the youth center. Study colonization, study effects, and start to do your part to reverse these trends.

*Closing remarks – Honourable Senator Marilou McPhedran*

- This is what alliance looks like
  - Accept collective shame as a nation
  - commitment to work together on change in the way that Senator Pate has outlined

*Closing remarks – Mary Scott, IWR-MB*

- Way of learning for all of us, hope you take away the messages you’ve heard today
- Do advocacy, reach out, listen, build trusting relationships, etc.
- BUILD ON DIVERSITY, give women a voice

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### Question + Answer

- Q: What do you think about Michael Moore’s comment about putting more money into policing instead of indigenous languages?
  - A: Senator McPhedran: it’s none of his business when this is our greatest shame.
  - A: Senator Pate: what can we do? Think of what money you could have if you weren’t putting your money into incarceration versus into the community for women to be there.
  - If you want letters you can send, please email [kpate@sen.parl@gc.ca](mailto:kpate@sen.parl@gc.ca)

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### Recommendations and Follow-up Actions

Senator Kim Pate

- Apply to the minister of public safety to sponsor women on parole, you will be denied but we have lawyers to challenge that. Apply for a S. 81 agreement. Do not apply to build a new a new healing lodge, or prison institution as we call it.

Annetta Armstrong

- Ensure indigenous women and girls have safe spaces to share their stories and reclaim their voices. “Most importantly they need to be heard”.

Debbie Lipscombe

- In next fiscal year we will work towards creating programs that are culturally sensitive, holistic, family centered, meet needs of personal safety

Grand Chief Sheila North

- Study colonization and do your part to undo these systems.

Terrance DeLaronde

- A collaborative approach working with parents and CFS resources, other levels of government, community based organizations can make a difference for vulnerable families.

