

Barbara Barker

My name is Barbara Barker and I'm born and raised in Newfoundland, Grand Falls is my hometown. I'm a member of the Qualipu First Nation, we are a newly created band in Canada and the big joke in our nation is we are a bunch of landless Indians. It doesn't make much sense.

I've been living home in Newfoundland since about 2013. And so, even though it's my own home and my own province...I'm not an expert on this, I've done a lot of work outside of the province...one of the things I've noticed when I came home is that conversation isn't happening very loud in our province. We have the Friendship Center here in St. John's, which is a touch point for Indigenous people who are transient coming through St. John's because, through one way or another, either through medical services or other things happening with peoples' families, people commonly end up here. And so that would be where someone in this province would go. But then if you look to Labrador, which is the other part of the province, if we just want to peel back the layers right to what happens if someone's going to do an investigation, what happens if someone's going to be charged. Outside of Happy Valley Goose Bay there's only Circuit Court that takes place once a month, if that, in the outlying communities of say Nain or Hopedale, and so legal processes which are slow in the best of times in cities are very, very much slower here in Newfoundland, so the idea of access to justice is a starting point. That's hard in the best of circumstances in this province, and I think if you add the layer of having someone violently, that you love and care about, just taken away from you, victim services here in this province they're not going to have a lot of information for you. They're not going to have even the language really to, as a starting point, try and be the person that provides services in this province. And in a number of different settings when it comes to women, I see doors being shut. People being told 'I can't help you', and the extension of that from my experience would be 'but I'm going to attach you to these resources that can', but its not my experience here, its just 'it's not me, and good luck'. And if someone's in absolute crisis and really looking for, as a starting point, how do I make a police complaint? What do I want to stress in my own relationship with those authorities? How do I empower myself going into that environment? I really think they'd have to go to the internet here in this province.

You know, I think there are wonderful resources all over Canada, which at a grassroots level have been building for a number of years, and we just don't have the same kind of resources here in the province. We don't have people with the same experiences. This narrative of people that get educated and leave and don't come back is real in this province. And so all that knowledge that people are spending their lives outside of here building up, how do we translate that to come back home. Something I decided very personally that after 15 years of living away, I was going to come home. And with that I was going to take the knowledge that I gathered from being engaged in other communities, and other grassroots initiatives, and try and make some space for that here in the province, but even the conversation of being a feminist is not an easy conversation to have in Newfoundland. I've had clients in my first meeting with them say 'I looked you up on

the internet, you're a feminist, I don't want you to represent me'. So if we have that kind of barrier, just as a starting point, the next step to having more serious conversations is very hard.

We had a domestic violence court here, and then recently budget cuts, it was cut and then it was reinstated with some expansion into the western side of the province, but money was earmarked to look at how to bring that into Labrador, so you know, Newfoundland is behind, and Labrador is further behind, and it's really about, you know, having conversations that people want to hear.

We have a lot of very old stereotypes in the province, and we're isolated from each other, we're not in large cities, even daily newspapers are things that don't happen in our province anymore, and people who are on the internet are searching out the information that they want. So, you always have to start with children really if you're talking about a society. Even when you look at our schools, there's conversations about bullying and whatnot, but Newfoundland sees itself largely as a province of Caucasian people that have their history and the fishery and whatever labour. And the idea of even being an Indigenous person in Newfoundland is a struggle. So the challenges that an Indigenous person has is something most people aren't even going to be able to engage in, because their first conversation, their first starting point is going to be 'we killed off all the Indians in Newfoundland. There are no Indigenous people here.' And our confederation continued that narrative, there was no mention of any Indigenous people in this province. So we've seen some attempts to remedy that, but it's the isolation. You think about Labrador, Newfoundland has no idea what's happening in communities in Labrador. As a great example, it's shocking, but in Nain there was a serial rapist, who, you know, the facts that were written on the record, it was a young man who was knocking women unconscious, outside of the home, just in the street, and it happened 5 or 6 times that there was a conviction associated with, who knows how many times it actually happened. That wasn't even picked up by the media in St. John's, no one is even aware that that happened. Nain is the most northern community settled in this province and I think it's a great example of how the isolation is a very big struggle in getting conversations even started. People aren't even aware of what is happening in their own province.

The Moravians settled this particular community and, how alcohol might have been introduced to the community through trading partners and whatnot, but it doesn't get into the socio-economic, political realities that are really supposed to be at the core of a Gladue report, and so it's just a lack of training there as well and money. There's no money in this province for indigenous people. And that goes back to very old ideas that, number one, there's no indigenous people here. And then, number two, because of what's prevalent across Canada, really just no one out there championing that for systemic change to happen, there has to be appetite within the system to even address those things. And so, when I hear this notion of indigenous people in the courts wanting special privileges, one of them was in relation to translation, so someone could understand the criminal charges that they are facing.

You know, that's an element of a fair trial. And I had to point out to the person: guess what? In Labrador, we only have a translator for people who speak Innu, we don't even have one for people who speak Inuktitut. So, your special privilege discussion, which is totally off the mark, is also totally misinformed. And so that kind of ignorance, I don't know, our provinces, we're so hell-bent on being poor and trying to haul ourselves out of financial dire straits, the idea that we can have conversations about community spaces where everyone needs to be able to live safely and accessing resources that allow them to be fully participants in that community life, is not an easy conversation. It's a conversation that's happening here, largely met with ridicule. One of my heroes here in the province...I hear other defence lawyers not getting it and these are people who went to university and are supposed to be reading the same cases I am, getting the same directions from case-law and precedent that I am.

One of my heroes here in the province who is doing amazing legal work and also grassroots initiatives, when she wants to start a conversation, say, about the kind of questions that are permitted in a justifiable defence, say, in a sexual assault case. When she wants to kind of crack open that space and start talking about: maybe there's another way this can be done and maybe we need to rethink these things. Because, essentially, it's whatever the supreme court of Canada said in 1988; rape myths are still a prevalent part of how criminal defence works when it comes to sexual assault. And that kind of discussion, wanting to point those things out, just as a starting point to re-evaluate, we have other authorities we can look to, to kind of start that conversation. But when someone tries to start it publicly, I've seen it, like a sense of ridicule 'But that's people's jobs, and they're just doing their job.' It's like, that's not the conversation we're trying to have. We're trying to talk about society treating people who are pretty much maybe finding themselves in the lowest parts of their lives, and wanting them to be treated with fairness and dignity, humanity, and that's being met with closed ears and closed minds. Not all of Canada is equal, I've lived in Toronto, I've lived in Vancouver, I've lived in Northern British Columbia, and I wouldn't say it's associated with the size of a town, I've been in small towns that have done amazing things and here we are in St. John's, the biggest city, for lack of a better word, in this province. And so, the work just has to be done. And it has to start within organizations—government organizations. People are educated on workplace harassment, it's mandatory kind of education in this province, but we don't have anything on anti-racism, nothing.

...It was a community member, and I think that's part of the reason why no one cares: 'It's happening in their community, their people, it doesn't impact me, it doesn't impact my world.' And people aren't even given the opportunity to decide if that's something that they're interested in because the media's not even picking it up. I mean, that shows the level of bias right there.

That's what I just find the worst, that you've got to go around spending your life justifying, I don't know, not even justifying, like justifying your existence in some ways. I was at a family diner in Ontario and I had a cousin turn to me over our Easter

dinner and say: "Yeah what do Indians want anyways?" because I was talking about education I was doing in law school. That cousin is from Newfoundland. And so it's just, if we can't even come to each other in a place of wanting to know, if we take with us this bundle of assumptions and...it's just, being disinterested because you feel like it has nothing to do with you instead of thinking about it as a community member. What's going on in your community? Has everything to do with you and we're all responsible for each other. That's so simple to me, that's what children know. But once people, you know, are outside of the innocence of childhood, those things don't go over as well.

My reading of the situation in Newfoundland is: across the country, it's an optimism but it's cautious, it's really cautious. And looking at the terms of reference, there's good reason to be cautious. If you look at the terms of reference, we're a big country and not all of our police are under the...it's not all the RCMP, okay, so we've got lots of different municipal and provincial police forces which, there's no capacity to compel any information. Furthermore, the provinces aren't compelled to compel them to compel information. So, the cautious optimism is, you know, in British Columbia, when the inquiry was there, was announced, it very quickly fell apart, because there wasn't the proper resources for families. It's not like, Indigenous people have this great history to rely upon when it comes to state or police interactions. I mean, families who have had the police tell them: "Ah, your daughter is out partying, she'll come home eventually." Or, actual investigations not even taking place when you look at the evidence involved and people are saying: "Oh you know, they died of alcohol poisoning in their sleep." When the actual physical evidence within a home definitely points to physical struggle. There's like biological evidence there. And people are having those experiences of being told: "Sorry, there's nothing we can do for you." Now we're indicating in the terms of reference as I saw that you can send those people back to those very same police forces? I mean, it's contradictory, but it's also really sad. People, families have been failed. And now, you know, I've heard some talk and the chatter that this is really, and I hope it turns out to not be true, but this is an inquiry of the government, not the people. Even the commissioners that were picked; I'm not saying anything personally about those people, I don't know them, but I know that there was people who are very much tied to the community and have done really important work for years that were put forward and championed and, you know, because of political appointments and whatnot, they didn't end up as a part of that [the commission]. And I hope they're drawn upon, I hope that even if they're not commissioners, fine, I hope those commissioners have the sense, and I do have faith there, that I do, in a little bit of a unique way; they're all lawyers or whatever but, I'm hoping that there's an awareness that they have a certain level of expertise, but then there's a whole other level of expertise that they don't have at all. And that they go to those communities and they listen to the families and they're receptive to the direction that's pretty loud and clear just looking across, even mainstream media across Canada is picking that up. We still have until September the first, I think is the start date of the mandate. And so I'm assuming that the directions are still coming in at the

grassroots, and the letters are still coming forward, and if anyone's going listen, I do hold out hope that it's these commissioners.

It's a really hard question. I would make sure that, beyond the criminal justice system, or any kind of state institution, I would ask them: Do they have someone they can really trust in their lives? They're experiencing it personally but are there family members, are there friends, is there someone they can really rely on? Because, let alone negotiating the complexities of any kind of state run operation, people need to take care of themselves. And that's the first thing I would do. I want to ground the person in the importance of, in the best way they can, to try and cope, and get through this, and try and voice that they're not alone, that I know they feel alone, that there's a history there that is going to make someone wonder "is anyone really going to care?", "Is anyone really going to do anything?". And so to have someone there every day to check in and to see that you got out of bed and you fed yourself. I would start at the very core of who we are as people and tell them I care, and that I'm willing to do whatever it takes to find those resources. And where they don't exist to very loudly point out the problems with that and change it. Because this province needs a lot of change when it comes to Indigenous people. And, even the domestic violence court here, which is something I'm proud of, it's not in all jurisdictions across Canada, I don't think the people in the province even know the benefit of it. Even something that's happening, that we're doing, I don't hear any information about the value of it. And that's important. Where there's things we believe in, we need to talk about it because, that's a part of creating the foundation to have community members that are aware of what's happening in their community; the challenges that people face when they are in particular circumstances. But I really advise the person to protect them-self. People take advantage in all sorts of different times...I would advise you to protect yourself, to be cautious about the people you trust. To be careful about the information that you are sharing. And if you're not sure if you trust someone, ask someone else before you share the information.

The one thing that strikes me, you asked about Loretta, and if things had changed. One of the narratives that I found really troubling with that whole shocking and sad circumstance. Even though Loretta was a university student studying the very context of missing and murdered indigenous women; when it came out what happened, people tried to erase who Loretta was as a person. They said: "she didn't look Indian" to try and discredit that she was a part of this kind of social, political, legal, historical, problem—they wanted to erase that. Because they weren't quite ready to face that reality and it's easier to just say "she's just your average murdered person, there was nothing special about her." I can make sense of it, I know why the ignorance persists, but at the end of the day, it is incumbent on every single community member to do the work, to learn.