

Thunder Bay

Smudging ban at inquest 'deeply troubling' for Indigenous families, lawyers say

Ontario's Chief Coroner says he'll address the problem or move Thunder Bay inquests to new location

By Jody Porter, CBC News Posted: Nov 07, 2016 6:30 AM ET Last Updated: Nov 07, 2016 6:30 AM ET



Denying families access to a traditional spiritual practice at a provincial government building may be a breach of the human rights code, lawyers say. (Government of Ontario/Supplied)

A grieving mother and some of her disabled family members were forced to go outside to smudge last week because of a ban on the spiritual practice inside a provincial building where a coroner's inquest is being held in Thunder Bay, Ont.

That's "deeply troubling" for lawyers representing the family and other Indigenous groups at the inquest into the death of Lena Anderson.

Anderson, 23, **died by suicide in the back of a police vehicle** in Kasabonika Lake First Nation in 2013.

The building, at 189 Red River Road, where her inquest is being held is frequently used for coroner's inquests in the city. It is unclear why smudging — a cleansing ceremony where traditional plant medicines are burned — is banned in the building.

"Given the demographics of Thunder Bay, this unjustifiable failure to offer culturally sensitive services in a modern Government of Ontario building is embarrassing," lawyers Christa Big Canoe and Julian Falconer wrote in a letter to Ontario's Minister of Indigenous Relations and Ontario's Chief Coroner.



Ontario must "cut through the red tape and rectify" the ban on smudging at a provincial government building in Thunder Bay, lawyer Christa Big Canoe says. (CBC)

Big Canoe represents Anderson's mother at the inquest. Falconer represents Nishnawbe Aski Police Service.

"Smudging is not a dangerous activity and facilities officials denying it based on their unfounded fears and a lack of understanding is arguably a breach of the human rights code," said the letter, dated November 2.

Ontario's Chief Coroner said he is making inquiries to find out why the ban on smudging is in place.

Chief coroner seeks community input

"If the facility isn't able to do it [accommodate smudging], there may be other places to hold inquests," Dr. Dirk Huyer told CBC News. "I'm interested to hear from other people in the community where there might be more appropriate areas or locations that do allow smudging."

It is also a "serious" matter for Ontario's Minister of Indigenous Relations and Reconciliation.

"We will continue to work in collaboration with Indigenous partners and appropriate ministries to support a culturally relevant and responsive justice system and reconciliation province-wide," David Zimmer said in a statement.

The inquest into Lena Anderson's death is expected to wrap up on Wednesday. Another inquest into the death of an Indigenous man is scheduled to take place at the same building in December.

Huyer said he is working to have the issue resolved by then.

Emily Hill hopes that's the case. Along with Big Canoe, she represents Anderson's family and the family of the man whose inquest will be held in December.

"Inquests deal with the loss of a family member. They are always very difficult for families," Hill said.

"Families need to have access to all the supports that they have; the supports of their family and the supports of their cultural and spiritual traditions," she said. "Smudging is an important and an essential part of that tradition and needs to be available to families in these difficult times."