

INTERIM REPORT

THE NATIONAL INQUIRY INTO MISSING  
AND MURDERED INDIGENOUS WOMEN AND GIRLS

# *Our Women and Girls* **ARE SACRED**

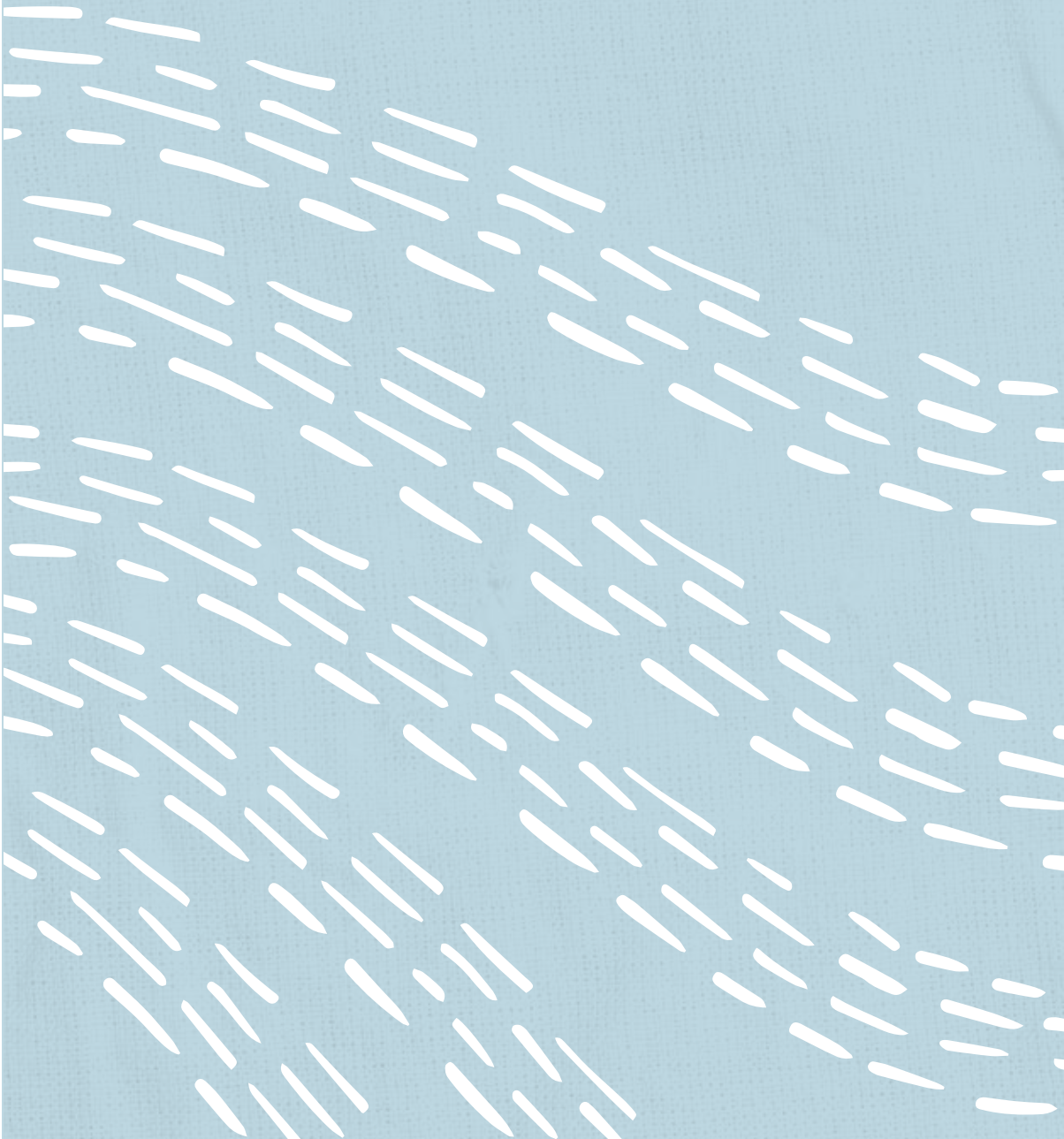




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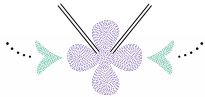


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*Our Women and Girls*  
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National Inquiry into  
**Missing and Murdered**  
Indigenous Women and Girls



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Eagle's Gift: Maxine Noel ~ IOYAN MANI  
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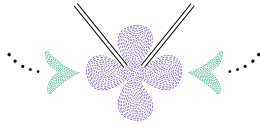
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As Commissioners, we acknowledge and honour the memory of all Indigenous women and girls—including those who are Two-Spirit, lesbian, gay, heterosexual, bisexual, transgender, queer, or non-binary, and those with disabilities or special needs—who are missing or who have lost their lives to violence.

We acknowledge and honour the family members of these women and girls. We have been truly humbled by your courage, strength, and resilience, especially as you tell us about your grandmothers, wives, mothers, daughters, aunts, nieces, cousins, and close friends—people you hold close in your hearts every single day. We cannot know what contributions your loved ones would have made if they had been able to live in peace. But we do know that families, communities, Indigenous Nations, and all of Canada are so much poorer for their loss.

We acknowledge and honour the courage, strength, and resilience of survivors of violence. Many of you are still experiencing trauma or violence. Yet you still choose to share stories that have deeply affected you, your families, and your communities.

We keep all of these stories at the heart of our work. We know that you are entrusting us with a sacred responsibility, and we will work hard to prove worthy of your trust. We will continue to work alongside you to ensure that Indigenous women, girls, and LGBTQ2S people can look to a future where violence is replaced by love and respect and everyone can live a good life.

We acknowledge and honour our partners, the National Family Advisory Council, the Grandmothers, the Elders, and the Knowledge Keepers, whose wisdom guides us. We acknowledge and honour Indigenous grassroots leaders, organizations, and their many allies who fought for so long to make this Inquiry a reality. Thank you for supporting us: for telling us when we are doing things right and when we need to make changes to do our work in a better way.

There is no doubt that the loss of Indigenous women and girls to all forms of violence is a national tragedy. It has traumatized generations of families, and it will continue to traumatize communities if we do not commit to action and change.

Shining a light on all the causes of violence, murders, and disappearances is a daunting task. But it is a necessary one. We are exposing hard truths about the devastating impacts of colonization, racism and sexism—aspects of Canada that many Canadians are reluctant to accept.


In the face of violence suffered since colonization began, Indigenous women in Canada remain determined to reclaim their identities, cultures, languages, and land. They are taking their rightful place in their communities and Nations, and we are ready to support them.

This is our collective responsibility to future generations. We can and must act together to create a better future for our women and girls.

– Chief Commissioner Marion Buller, Commissioner Michèle Audette,  
Commissioner Brian Eyolfson, and Commissioner Qajaq Robinson

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*“That is what I am looking for—  
not for my sister-in-law now,  
because no one can harm her,  
but that my daughter, my grand-  
daughter, my great-granddaughters  
can walk the streets in safety,  
my nieces, that no harm can  
come to them. We must stand  
up for justice for these women  
that have walked before us.”*

FRANCES NEUMANN, ON THE MURDER OF HER  
SISTER-IN-LAW, MARY JOHNS. FROM THE NATIONAL INQUIRY'S  
COMMUNITY HEARING IN WHITEHORSE, MAY 30, 2017.

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CHAPTER 1

# *Remembering* **WHY WE'RE HERE**

The interim report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (the “National Inquiry”) is many things. It’s the story of the many family members, friends, and grassroots citizens who are still calling for an end to the violence being perpetrated against Indigenous women and girls. It acknowledges where we’ve come from, and considers where we are going. It’s an opportunity to reflect on what we know and to shine a light into dark corners.

With all the information we have, we still don’t know how many Indigenous women and girls are missing or have been murdered. We don’t know what happened to many of them, or how to make sure we don’t lose any more Indigenous women and girls to violence. We need to understand how social structures and laws have so devalued the lives of Indigenous women and girls.

We need to better understand all of these issues to create change. This won’t happen immediately. But the National Inquiry will build on the (often grassroots) efforts that have brought us to where we are today. We will expand those foundations further so that Indigenous women and girls can feel safe and valued in every family, community, and Nation in Canada.

In all that we do, we are guided by the National Inquiry’s overarching principle—that our women and girls are sacred. This informs our vision: helping Indigenous women and girls reclaim their power and place. We have listened to families and survivors to better understand what we weren’t hearing before, and how we must go about our work moving forward.

We have considered previous reports and recommendations so that we can better understand common themes, but also what hasn’t yet been said. We also have considered what actions have been recommended, and how those recommendations have or have not been implemented.

At the end of this interim report, we make some recommendations that can be implemented immediately. Some issues, like the urgent need for healing and commemoration, don’t require more research. We also make recommendations to address some of our procedural challenges. These challenges are significantly hurting the National Inquiry’s ability to do its work in the best way possible.

## THE VISION AND MISSION OF THE NATIONAL INQUIRY

### OUR VISION

Our vision for the National Inquiry is to build a foundation that allows Indigenous women and girls to reclaim their power and place.<sup>1</sup>

Indigenous women and Two-Spirit people have traditionally been revered as life-givers and caregivers. This is why we say “our women and girls are sacred.” But Indigenous women and girls, including those who are LGBTQ2S, continue to be devalued. All too many become the victims of violence.

Many Indigenous women and girls survive, but some do not. The National Inquiry is an opportunity to honour those women and girls and to allow their family members to share their stories on their behalf.

Those who do survive often face continuing violence, racism, and discrimination day after day.

Indigenous women and girls bring many gifts to the conversation on resilience, resurgence, and reconciliation. Some women are Grandmothers and Elders who carry sacred stories, laws, and ceremonies for future generations. Others are warriors who continue to speak for the silenced. Some are healers who draw on their own spiritual traditions, knowledge, and medicines to help those who are hurting. Others are educators who teach Indigenous worldviews, languages, and histories. Some are peacemakers who breathe new life into Indigenous laws and apply these to present-day life. Still others care for the children in their communities.<sup>2</sup> However, their important contributions, past and present, have been ignored for too long.

These and many other roadblocks—including unresolved trauma, being publicly denigrated or ignored, and continued exclusion from

## HOW DO WE DEFINE “VIOLENCE”?

The World Health Organization defines violence as:

**“THE INTENTIONAL USE OF PHYSICAL FORCE OR POWER, THREATENED OR ACTUAL, AGAINST ONESELF, ANOTHER PERSON, OR AGAINST A GROUP OR COMMUNITY, THAT EITHER RESULTS IN OR HAS A HIGH LIKELIHOOD OF RESULTING IN INJURY, DEATH, PSYCHOLOGICAL HARM, MALDEVELOPMENT OR DEPRIVATION.”**

This includes violence between people, self-directed violence (suicide or self-harm), and armed conflict.<sup>1</sup>

The National Inquiry also expands this definition of violence to include colonial, cultural, and institutionalized violence. This is consistent with our Terms of Reference and our companion Orders in Council and Administrative Decree.

positions of authority—still prevent women and girls from moving forward. However, the fact that this National Inquiry exists proves they're already reclaiming their power and place.

Because of Indigenous Peoples' rich diversity, this reclaiming will look different in different places. First Nations, Métis, and Inuit peoples each have their own distinct cultures, languages, and ways of life. Their communities have their own distinct political, legal, social, cultural, and economic systems. Because of this, there can be no one-size-fits-all, pan-Indigenous approach. Solutions must instead be culturally appropriate to First Nations, Métis, and Inuit women and girls, their respective communities, and their Nations.

FOR FAR TOO LONG,  
INDIGENOUS WOMEN AND  
GIRLS HAVE BEEN PUBLICLY  
DEVALUED OR IGNORED.

The Truth and Reconciliation Commission taught us that without truth, healing, and justice, there can be no reconciliation.<sup>3</sup> While our focus is often on healing, genuine healing isn't possible without truth and justice—for Indigenous women and girls who are still suffering, for families and friends who have lost loved ones, for Indigenous communities missing those loved ones' wisdom, and for Canadians who must stand together with Indigenous people to effect real change.

Reclaiming power and place is how the National Inquiry plans to fulfill that commitment to "truth, healing, and justice" for Indigenous women and girls. In this way, the National Inquiry will help fill a critical gap in Canada's broader reconciliation process, as all of us move towards a better life.

## OUR MISSION

To bring this vision to life, the National Inquiry has set out on a three-part mission: finding the truth, honouring the truth, and giving life to the truth. This is our path to healing.

**We will find the truth** by gathering many stories from many people. These truths will weave together to show us what violence really looks like for Indigenous women and girls in Canada.

The work of the National Inquiry is not to hear one single truth, but many truths. This will help us understand the far-reaching effects of violence, as well as solutions to end it.


We will gather this information through:

- Community Hearings, Institutional Hearings, and Expert Hearings;
- past and current research;
- collaborations with Elders and Knowledge Keepers; and
- forensic analysis of police records.

We will conduct new research to fill gaps in what we know and to address emerging issues of concern.

Our research is rooted in Indigenous methodology. It's governed by traditional laws and ethics that affirm the resistance and resurgence of Indigenous women and girls, including LGBTQ2S people. Indigenous women's experiences will guide our truth every step of the way.

**We will honour the truth** through public education. For far too long, Indigenous women and girls have been publicly devalued or ignored. People's general perceptions have been shaped by harmful colonial stereotypes. People forget that every Indigenous woman or girl—no matter how she died or what she had been through—had an inherent strength and sacred worth. We need to transform the national conversation about Indigenous women, girls, and LGBTQ2S people. To build a strong foundation for healing, justice,



*“The issue of missing and murdered Indigenous women is an ongoing, painful issue for the Indigenous community that needs resolution in order for us to be able to move forward with a better relationship in this country. Those families that have lost women to violence...need to have some answers because they will be unwilling to engage in dialogues around reconciliation until that issue is addressed...These families are hurting and because they’re hurting, other people around them are going to be hurting. And the Canadian public, I think, should feel that they’re hurting as well. People in Canada who understand the importance of not losing a child to violence should be front and centre with the people who have lost the children—in these cases, the daughters, the mothers, the nieces. We should be standing up with them and saying we need to know what happened and we need to make sure this never happens again.”*

SENATOR MURRAY SINCLAIR, FORMER CHAIR OF THE TRUTH AND RECONCILIATION COMMISSION OF CANADA <sup>11</sup>

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and reconciliation, governments and institutions must change. So must our society's attitudes and understanding of the issue.

This public education begins by creating opportunities for family members and survivors to share their truths. It continues as Canadians learn more about Indigenous women, girls, and LGBTQ2S people. Indigenous and non-Indigenous people will have the opportunity to learn about Indigenous women's rightful power and place: their historical and present-day roles, their leadership, and what they have to contribute. Many of these learning opportunities will take place through the Community, Institutional, and Expert Hearings. We will further honour the truth in our findings, recommendations, and reports, and other public education materials. As much as possible, our information will be published in different audio, visual, and paper formats to make them widely accessible.

**We will give life to the truth** by creating a living legacy through commemoration and artistic expressions. Everyone affected by this issue will have the opportunity to participate in the National Inquiry by submitting an artistic response in whatever medium they choose. This will help create a new public record of history that centres on Indigenous women and girls' experiences.

Together with family members and communities, we will make recommendations on the best ways to commemorate and honour those we have lost. Public commemoration is a powerful way to make sure that survivors are acknowledged for the suffering they have endured. It also ensures that families can let Canada know that their loved ones were cherished human beings who are still missed.

Most importantly, we will give life to the truth by teaching and learning from our children and youth. We need to give them the best possible supports now, and help them build a safer, stronger foundation for their future.

## THE CRITICAL NEED FOR A NATIONAL INQUIRY

No one knows for sure how many Indigenous women and girls have been murdered or gone missing in Canada.

The Native Women's Association of Canada (NWAC) created a database tracking these cases in 2005, and its 2010 report was the first to put a number to the missing and murdered—582.<sup>4</sup> As part of her 2013 doctoral thesis, Dr. Maryanne Pearce created a database that identified 824 missing or murdered Indigenous women between 1946 and 2013.<sup>5</sup> That number grew to almost 1,200 between 1980 and 2012 with the RCMP's 2014 National Overview.<sup>6</sup>

However, how police services identify who is Indigenous, or who is murdered and missing, is not the same across Canada. Because of difficulties with the data behind the statistics, definitions and identification, and errors in reporting, the real number of missing and murdered Indigenous women and girls is likely much higher.<sup>7</sup> But even with these concerns, the general consensus is that the numbers are staggering.

These numbers are even more devastating when we consider that Indigenous women and girls make up only 4% percent of the female population in Canada.<sup>8</sup>

According to Statistics Canada, 9% of female homicide victims in 1980 were Indigenous. By 2015, Indigenous women made up nearly one-quarter (24%) of homicide victims in Canada. The same report shows that while homicide rates for non-Indigenous women have gone down over the decades, homicide rates for Indigenous women have been going up.<sup>9</sup>

The likelihood of violent death is significantly higher for Indigenous than for non-Indigenous women. Using 2011 population estimates and an updated version of Dr. Maryanne Pearce's database (July 5, 2016), Dr. Tracy Peter calculates that Indigenous women

are 12 times more likely to be murdered or missing than any other women in Canada, and 16 times more likely than Caucasian women. In Manitoba and Saskatchewan, they are 19 times more likely than Caucasian women to be murdered or missing.<sup>10</sup>

The violence in Canada extends beyond “missing and murdered”:

- Indigenous women are physically assaulted, sexually assaulted, or robbed almost three times as often as non-Indigenous women.<sup>11</sup> Even when all other risk factors are taken into account, Indigenous women still experience more violent victimization. Simply being Indigenous and female is a risk.<sup>12</sup>
- Indigenous women experience intimate partner violence more frequently, and more severely, than do non-Indigenous women.<sup>13</sup> More often (52% versus 31%) Indigenous women in these situations fear for their lives.<sup>14</sup>
- Indigenous women are roughly seven times more likely than non-Indigenous women to be murdered by serial killers.<sup>15</sup>
- Indigenous women continue to be vastly overrepresented in prison; in Manitoba, they made up 86% of women admitted to prison in 2014/2015, but only 14% of the general female population.<sup>16</sup>
- While Statistics Canada does not have data on Indigenous LGBTQ2S women, girls, or non-binary people, it did report that people who identified as lesbian, gay, or bisexual are violently victimized nearly five times as often as people who identified as heterosexual.<sup>17</sup>
- According to the 2008/10 First Nations Regional Health Survey, 17.3% of on-reserve First Nations girls in Canada (aged 12–14) had thoughts of suicide at some point in their life. By ages 15–17, that number rose to 27%, and 9.1% had made suicide attempts.<sup>18</sup> The completion rate for suicide among Indigenous teens in Canada is four to five times higher than for non-Indigenous youth.<sup>19</sup>

## WHAT IS COLONIALISM/ COLONIZATION?

Colonialism is the attempted or actual imposition of policies, laws, mores, economies, cultures or systems and institutions put in place by settler governments to support and continue the occupation of Indigenous territories, the subjugation of Indigenous Nations, and the resulting internalized and externalized thought patterns that support this occupation and subjugation.

Colonialism is the ideology advocating colonization. Colonization generally refers to the process by which Europeans invaded and occupied Indigenous national territories.

### HOW DOES COLONIAL VIOLENCE IMPACT INDIGENOUS WOMEN, GIRLS, AND LGBTQ2S PEOPLE DIFFERENTLY?

Dr. Sarah Hunt says: “Colonialism relies on the widespread dehumanization of all Indigenous people – our children, two-spirits, men and women – so colonial violence could be understood to impact all of us at the level of our denied humanity. Yet this dehumanization is felt most acutely in the bodies of Indigenous girls, women, two-spirit and transgender people, as physical and sexual violence against us continues to be accepted as normal.”<sup>iii</sup>

These numbers compel all Canadians to face difficult truths. Indigenous women and girls, including LGBTQ2S people, are—to an unconscionable degree—more vulnerable to violence. And yet, despite a long history of voices calling for an end to violence against Indigenous women, they have been systematically devalued to the point we see today.

The statistics paint a dark picture, but they're not the whole story. This is why we can't work only towards an absence of violence, but also towards the fulfillment of Indigenous women's valued place in society—a true transformational change, rather than a quick-fix or one-size-fits-all solution. We need to consider actions for foundational change.

## THE FOUNDATION OF THE NATIONAL INQUIRY

Other major inquiries have examined the inherent violence in the colonial relationship between the Canadian state and Indigenous Peoples. Our goal is not to inquire again into the same issues, but to build on the knowledge we've inherited from them. This is an ethical and moral imperative to make sure we move the national conversation forward.

Three reports in particular have thoroughly reviewed the relationship between Indigenous Peoples and the state: the Aboriginal Justice Inquiry of Manitoba (1991), the Royal Commission on Aboriginal Peoples (1996), and the Truth and Reconciliation Commission of Canada (2015). They clearly determined that violence against Indigenous Peoples was rooted in colonization. With no fundamental change to the power balance between the state and Indigenous Peoples, the core relationship between Indigenous Peoples and the Canadian state is still, as it exists today, inherently violent. Collectively, the reports made over 900 recommendations on how to repair and restore this broken relationship through a process of decolonization.

### **The final reports of the Aboriginal Justice Inquiry (1991) and the Aboriginal Justice Implementation Commission (2001).**

The Aboriginal Justice Inquiry of Manitoba (AJI) was established in 1988 to inquire into the circumstances surrounding the murder of a young Indigenous woman, Helen Betty Osborne, and the shooting death of Indigenous leader J.J. Harper by the Winnipeg police. Beyond these two specific cases, the AJI was also mandated to examine the relationship between the Aboriginal Peoples of Manitoba and the justice system.<sup>20</sup> Its findings specifically pointed back to the state—not just identifying needed improvements to the provincial justice system, but calling for the recognition of land and Treaty rights and Indigenous self-determination.<sup>21</sup> At the end of the inquiry, the AJI declared that “it is not merely that the justice system has failed Aboriginal people; justice also has been denied to them.”<sup>22</sup>

The AJI report spanned hundreds of pages, and contained almost 300 recommendations.<sup>23</sup> These were delivered in 1991, but they were largely ignored until 1999, when the provincial government established the Aboriginal Justice Implementation Commission (AJIC) to propose concrete measures to implement them.<sup>24</sup> The AJIC report contained over 100 broad recommendations concerning the justice system, law enforcement, Indigenous justice systems, natural resources, the *Indian Act*, Indigenous women's welfare, and youth and children.<sup>25</sup>

Some AJI and AJIC recommendations have been implemented, including a Child Welfare Initiative that tried to restructure the province's child welfare system and have services run by Indigenous-led agencies. Still, in 2016 over 90% of children in care in Manitoba were Indigenous.<sup>26</sup> The justice system is fundamentally the same, and any progress remains slow.<sup>27</sup> In fact, over 25 years later, the criminalization of Indigenous women and their overrepresentation in the province's correctional facilities is getting worse.<sup>28</sup>

## The report of the Royal Commission on Aboriginal Peoples (1996)

The Royal Commission on Aboriginal Peoples (RCAP) was established in 1991 to look at the historical relationship between the Government of Canada and Indigenous Peoples, and to identify “the foundations of a fair and honourable relationship between the Aboriginal and non-Aboriginal People of Canada.”<sup>29</sup> Over five years, the Royal Commission held 178 days of public hearings and visited 96 communities.<sup>30</sup> Its 4,000-page final report contained 440 recommendations.

The Royal Commission on Aboriginal Peoples concluded that Canada’s main policy direction, based on over 150 years of colonization, was wrong.<sup>31</sup> They found that government after government used its power to try to assimilate Indigenous people into Canadian society. By doing so, they would be eliminated as distinct Peoples.

RCAP traced this abuse of power back to four false assumptions:

1. That Indigenous Peoples were incapable of governing themselves;
2. That Treaties and other agreements could be freely ignored;
3. That because Indigenous Peoples were incapable of governing themselves, decisions could be made for them without their involvement or consent; and
4. That concepts of “development” or “progress” could be defined only according to Western values and principles.<sup>32</sup>

RCAP argued that the fact that Canadian governments no longer endorsed these false assumptions didn’t lessen their impact on Indigenous people.<sup>33</sup>

While many Canadians accept RCAP’s central conclusion, they may not be so welcoming of its recommendations: that this country needs to rebalance the political and economic power between Indigenous Peoples and other Canadian governments. This includes reconstituting Indigenous Nations that have been divided by policy and legislation, and reallocating resources and land.<sup>34</sup>

# WHAT IS AN INDIGENOUS NATION?

**AN INDIGENOUS NATION IS AN INDIGENOUS SOCIETY THAT HAS ITS OWN DISTINCT POLITICAL ORGANIZATION, ECONOMY, CULTURE, LANGUAGE, AND TERRITORY.**

Early Treaties between Indigenous Peoples and European nations acknowledged this nationhood, and made Treaties based on a nation-to-nation relationship.

However, the Canadian federal government imposed new colonial policies (particularly through the *Indian Act*) that fractured and displaced Indigenous Nations. This was done intentionally to speed up the process of assimilation and the annihilation of Indigenous Nations as distinct entities.

While many Indigenous Nations today are still in the process of reclaiming and reconstructing their nationhood, all Indigenous Nations, (or Peoples in the case of the Inuit), have the right to a relationship with Canada on a Nation-to-Nation, or government-to-government, basis.<sup>iv</sup>



11

*“For over a century, the central goals of Canada’s Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada.*

*The establishment and operation of residential schools were a central element of this policy, which can best be described as ‘cultural genocide.’”*

EXECUTIVE SUMMARY OF THE FINAL REPORT OF THE  
TRUTH AND RECONCILIATION COMMISSION<sup>v</sup>

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In the twenty years since the release of RCAP's final report, little has changed. Indigenous Nations remain fractured and not enough has been invested to meet Indigenous Peoples' basic needs or to close widening socio-economic gaps. While governments have made some efforts to honour Treaties and Indigenous Peoples' self-determination, there have also been serious setbacks.<sup>35</sup>

### **The final report of the Truth and Reconciliation Commission of Canada (2015)**

The Truth and Reconciliation Commission of Canada (TRC) was established in 2008 as part of the Indian Residential Schools Settlement Agreement. It took seven years to complete. The Commissioners travelled extensively to communities throughout the country, held seven National Events, and gathered statements from over 6,000 witnesses. Their 2015 Final Report spanned more than 4,000 pages.<sup>36</sup>

Building on RCAP, the TRC sought to “redress the legacy of residential schools and advance the process of Canadian reconciliation.”<sup>37</sup> It concluded that Canada's overarching policy of assimilation towards Indigenous Peoples amounted to cultural genocide.<sup>38</sup> Reconciliation between Indigenous and non-Indigenous people required a transformational change in their relationship, moving from one based on cultural genocide to one based on mutual respect.<sup>39</sup>

The TRC issued 94 Calls to Action. To date, several jurisdictions across Canada have said that they're committed to implementing the TRC Calls to Action.<sup>40</sup> However, it is too early to assess the success of these specific initiatives.

### **Violence against Indigenous women and girls**

All three of these major reports on the relationship between Indigenous Peoples and the Canadian state also examined individual and systemic forms of violence against

Indigenous women, although not in detail or through a specifically gendered lens.

According to the AJI report, the police and justice systems have tended to be unresponsive to the distinct needs of Indigenous women and have been unable to adequately protect them from violence or hold perpetrators to account. These factors enable violence against Indigenous women.<sup>41</sup>

RCAP found that “the stereotyping and devaluing of Aboriginal women, a combination of racism and sexism, are among the most damaging of attitudes that find expression in Canadian society.”<sup>42</sup> Indigenous women told the Commission that although they had been calling for holistic healing for their children, families, and communities, they were too often excluded from decision-making on these issues. RCAP recommended that: “As Aboriginal peoples develop and implement self-government, the perspectives of Aboriginal women must guide them ... they have a critical role in providing leadership at the community and nation level.”<sup>43</sup>

INDIGENOUS WOMEN TOLD THE COMMISSION THAT ALTHOUGH THEY HAD BEEN CALLING FOR HOLISTIC HEALING FOR THEIR CHILDREN, FAMILIES, AND COMMUNITIES, THEY WERE TOO OFTEN EXCLUDED FROM DECISION-MAKING ON THESE ISSUES.

The TRC's *Legacy* volume points to Canada's “sweeping history”<sup>44</sup> of violence against Indigenous women and girls. While the TRC only briefly discussed Two-Spirit people, it did find that Two-Spirit people in residential schools were particularly vulnerable to violence and abuse. One Two-Spirit Survivor told the Commission that he was one of the few who had survived. Many other Two-Spirit people who left residential school “went to the streets” or were lost to suicide.<sup>45</sup>

### Expanding the foundation

All three reports concluded that the solutions to ending this violence must be led by self-determining Indigenous people, communities, and Nations. They recognized that this will require transformational change to the core relationship between Canada and Indigenous Peoples.

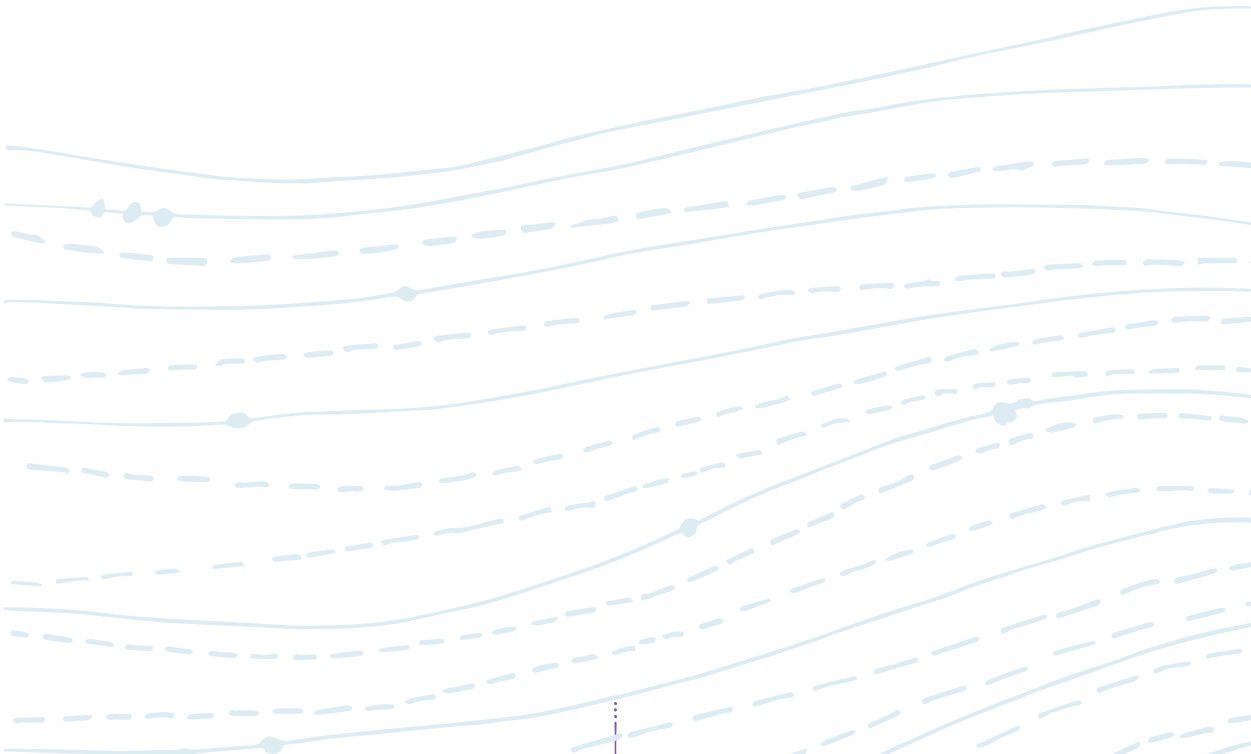
The National Inquiry will build upon the central conclusion of the Aboriginal Justice Inquiry, the Royal Commission on Aboriginal Peoples, and the Truth and Reconciliation Commission of Canada: that violence against Indigenous Peoples, including Indigenous women and girls, is rooted in colonization. For the violence against Indigenous women and girls to end, the ongoing colonial relationship that facilitates it must end.

The AJI, RCAP, and the TRC all applied an Indigenous lens to their work. However, this National Inquiry will examine issue of violence through the eyes of First Nations, Inuit, and Métis women—including young women, trans women, urban and rural women, women with disabilities, women who offend, women who love women, and


Indigenous people who reject the gender binary altogether. All of these people offer important perspectives on what will keep them safe.

Colonization had devastating impacts on all Indigenous Peoples, but the experiences of First Nations, Inuit, and Métis women and girls, as well as Indigenous peoples who don't identify just as male or female, are distinct in some respects from those of men and boys. Building on these reports and centring female perspectives allows us to reframe the way we look at Indigenous women and girls. They are not only “victims” or survivors of colonial violence, but holders of inherent, constitutional, Treaty, and human rights that are still being violated.<sup>46</sup>

By using a framework that is decolonizing, culturally specific, gender relevant, and rights based, we will add Indigenous women's unique voices to those of the Aboriginal Justice Inquiry, the Royal Commission on Aboriginal Peoples, and the Truth and Reconciliation Commission of Canada in the search for truth, healing, and justice.







*“All I want is a visit with my mom, to hear her voice, to get a reassuring hug, and to feel the love of a parent. These are my thoughts as a child of a murdered Indigenous woman. The National Inquiry can’t bring my mom back or any of the other murdered women, but please give us the answers and closures to these devastating events that took place in our life. It’s time to place our women and our girls back on their pedestal, to protect them, to love them, and tell them that they’re our everything.”*

SHAUN LADUE, SON OF JANE DICK-LADUE, MURDERED  
IN 1970. FROM THE NATIONAL INQUIRY’S COMMUNITY  
HEARING IN WHITEHORSE, JUNE 1, 2017.

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## CHAPTER 2

# *Our Story* **BEGINS**

### HOW WAS THE NATIONAL INQUIRY ESTABLISHED?

While the National Inquiry began its work only in September 2016, there has been a long history of voices calling for its creation and raising awareness of the issue of violence against Indigenous women.

After NWAC's 2010 report was released, the Assembly of First Nations, the Métis National Council, and the Inuit Tapiriit Kanatami added their voices to the call for an inquiry. Legal, social justice, and human rights organizations and associations came out in support as well, including the Canadian Bar Association, the Women's Legal Education and Action Fund (LEAF), Lawyers' Rights Watch Canada, the British Columbia Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) Group, the Feminist Alliance for International Action, the International Women's Rights Project, and the Legal Strategy Coalition on Violence Against Indigenous Women (LSC).

Many high-profile cases have helped to put faces and names to the statistics. These include Indigenous women from Vancouver's Downtown Eastside murdered by Robert Pickton and the Indigenous women murdered or missing along Highway 16 between Prince George and Prince Rupert, now known as the Highway of Tears.

In 2013, Canada's provincial and territorial premiers supported Indigenous leaders' call for a national inquiry.<sup>1</sup> Later that year, James Anaya, the United Nations special rapporteur on the rights of Indigenous people, called on the federal government to launch a "comprehensive and nationwide inquiry" into the issue.<sup>2</sup>

Activists organized marches, vigils, and public awareness events, and used art, mass media, and social media to draw national and international attention to the issue. Their efforts resulted in all ten of Canada's provincial premiers supporting the call for a national inquiry in 2013.<sup>3</sup>



Some lived to tell their stories. In 2014, Marlene Bird was violently assaulted and set on fire in Prince Albert, Saskatchewan. Sixteen-year-old Rinelle Harper was assaulted, beaten, and left for dead on the banks of the Assiniboine River in Winnipeg.

Others did not survive, but their names, images, and stories have left a lasting impact. Loretta Saunders was brutally murdered in Halifax in 2014. Tina Fontaine was assaulted and murdered in Winnipeg that same year. These cases led to increased media coverage of murdered and missing Indigenous women and girls, including initiatives such as the CBC's Unresolved database (launched in 2016). This site provides information on the lives of Indigenous women whose deaths have never been satisfactorily resolved.<sup>4</sup>

When the Truth and Reconciliation Commission released its Calls to Action in 2015, Call #41 identified the need for a public inquiry into “the causes of, and remedies for, the disproportionate victimization of Indigenous women and girls.”<sup>5</sup> This call, combined with growing public awareness and advocacy efforts across Canada, increased pressure on the federal government to act.

On December 8, 2015, the Government of Canada announced that it would establish an independent national inquiry to investigate the high number of missing and murdered Indigenous women and girls. Three federal ministers led a pre-inquiry engagement process, from December 2015 to spring 2016, through which they invited community input into the design and scope of the national inquiry.

On August 3, 2016, the federal government released the inquiry's Terms of Reference and appointed five commissioners to lead the

PHOTO: Vigil for Tina Fontaine and Faron Hall, two Indigenous people whose bodies were recovered from the Red River in August 2014. The deaths were not connected. Fifteen-year-old Fontaine had been murdered. Hall was a local hero, having twice saved people from drowning in the river. Photo credit: Aimée Craft.

# NATIONAL INQUIRY MANDATE

## UNDER THE TERMS OF REFERENCE, THE NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS IS MANDATED TO INQUIRE INTO AND REPORT ON:

- systemic causes of all forms of violence—including sexual violence—against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional, and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada;
- institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Canada, including the identification and examination of practices that have been effective in reducing violence and increasing safety;

## AND TO MAKE RECOMMENDATIONS ON:

- concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Canada; and
- ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada.



## MEET THE COMMISSIONERS

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### MARION BULLER CHIEF COMMISSIONER

Chief Commissioner Buller is Cree and a member of the Mistawasis First Nation

in Saskatchewan. In 1994, she became the first Indigenous woman appointed as a Provincial Court Judge in British Columbia. She retired as a judge in 2016.

Chief Commissioner Buller has lectured and written extensively about Indigenous issues and rights. In 2006, she initiated the First Nations Courts in British Columbia.



### MICHÈLE AUDETTE COMMISSIONER

The daughter of a Québécois father and an Innu mother, Commissioner Audette

grew up at the confluence of two rich cultures, which she proudly represents.

Commissioner Audette entered politics at a young age, first as president of the Québec Native Women's Association and then as president of the Native Women's Association of Canada. She has also worked on Indigenous public policy with *L'École nationale d'administration publique*.



### BRIAN EYOLFSON COMMISSIONER

Before his appointment to the Inquiry, Commissioner Eyolfson was an Acting Deputy

Director in the Ontario Ministry of Indigenous Relations and Reconciliation. He was also a Vice-Chair of the Human Rights Tribunal of Ontario between 2007 and 2016.

He represented Aboriginal Legal Services of Toronto at the Ipperwash Inquiry, and previously served as Counsel to the Ontario Human Rights Commission. He is a member of Couchiching First Nation.

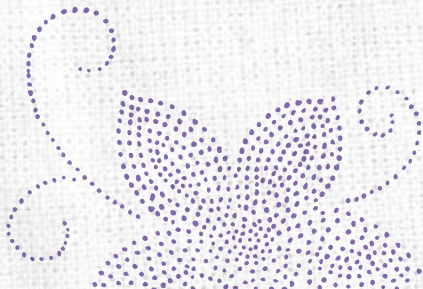


### QAJAQ ROBINSON COMMISSIONER

Born in Iqaluit and raised in Igloolik, Commissioner Robynson is a

strong Northern advocate, who is fluent in Inuktitut and English.

Before her appointment Commissioner Robynson worked at the law firm Borden Ladner Gervais LLP as part of a multi-disciplinary team of 70 lawyers who do a variety of work throughout the northern parts of the provinces and in the territories. Most recently, she worked as legal counsel at the Specific Claims Tribunal, travelling to First Nations communities across Canada





National Inquiry into Missing and Murdered Indigenous Women: Chief Commissioner Marion Buller, Commissioner Michèle Audette, Commissioner Brian Eyolfson, Commissioner Qajaq Robinson, and Commissioner Marilyn Poitras (resigned July 2017). They started officially on September 1, 2016.

## WHAT IS THE NATIONAL INQUIRY'S MANDATE?

The National Inquiry's purpose, goals, and scope are set out in its [Terms of Reference](#).

### THE MANDATE OF THE NATIONAL INQUIRY

According to these terms, the National Inquiry must look into and report on the systemic causes of all forms of violence against Indigenous women and girls, including sexual violence. We must examine the underlying social, economic, cultural, institutional, and historical causes that contribute to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada. The mandate also directs us to look into and report on existing institutional policies and practices to address violence, including those that are effective in reducing violence and increasing safety.

The National Inquiry is mandated to report on its findings (called “findings of fact”) and make concrete recommendations for ending this violence through the mandated Interim and Final Reports.

While the formal name of the Inquiry is “the National Inquiry into Missing and Murdered Indigenous Women and Girls,” our mandate covers all forms of violence. This makes our mandate very broad.

By not being limited to investigating only cases of Indigenous women who went missing or were murdered, we can include women and girls who died under suspicious circumstances.

## WHO DO WE MEAN BY “LGBTQ2S PEOPLE”?

There are many possible acronyms that cover sexual and gender minorities—LGBTQ2S, 2SLBTQ, LGBTQQIP2SAA, QUILTBAG—but no acronym is perfect.

**THE NATIONAL INQUIRY HAS CHOSEN TO USE THE TERM “LGBTQ2S” TO GENERALLY REPRESENT PEOPLE WHO ARE LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, AND TWO-SPIRIT.**

There are still important nuances. Some Indigenous people use Two-Spirit only and reject “LGBTQ.” Some prefer only the term specific to their identity (e.g. lesbian, transgender, intersex, asexual), while others prefer the terminology specific to their language, Nation, and culture.

Generally, when speaking of Indigenous people who belong to sexual and gender minorities, we will use “LGBTQ2S.” However, we will also respect each person's individual preference when sharing their truths.

### WHAT ABOUT NON-BINARY PEOPLE?

Some Two-Spirit people identify as either male or female, while others identify as both, or neither.

Because of this, the National Inquiry takes an inclusive view of gender. We will include non-binary people (people who wouldn't only identify as a woman or girl) when we interpret our mandate as it relates to “Indigenous women and girls.”

It also means we can address issues such as sexual assault, child abuse, domestic violence, bullying and harassment, suicide, and self-harm. This violence is interconnected, and can have equally devastating effects.

Expanding the mandate beyond missing and murdered also creates space for more survivors to share their stories. They can help us look to the future from a place of experience, resilience, and hope.

There is an Inuit Working Group at the National Inquiry, made up of Inuit staff, which aims to ensure that Inuit perspectives are reflected in everything we do.

Indigenous women who are also LGBTQ, non-binary, or Two-Spirit, have urged us to specifically include them in the National Inquiry's investigation. We have committed to doing this. In this way, we honour the roles of Two-Spirit individuals in many Indigenous communities. This also helps fill a critical knowledge gap, as very few previous reports have looked at how violence is different for Indigenous LGBTQ2S people.

## THE SCOPE OF THE NATIONAL INQUIRY

We are, in fact, including police services and policing practices in the scope of the National Inquiry. The Terms of Reference authorize us to examine the way police have conducted, and continue to conduct, investigations into the cases of missing and murdered Indigenous women and girls. Investigation of police practices were identified as a priority for the National Inquiry since the beginning of our work.

The National Inquiry will also look at other forms of institutionalized violence beyond the justice system. This includes child welfare, treatment in hospitals and prisons, exclusion from political leadership, systemic discrimination in the law, and daily experiences of racism and sexism. The National Inquiry has the power to request and subpoena documents, when necessary, from police authorities,

## WHAT IS "JURISDICTION"?

When someone has "jurisdiction" over a certain area or issue, that means they have the power to make decisions on that matter. For example, the federal government has jurisdiction (is considered responsible for) programs for people with Indian Status who live on reserve. However, provinces and territories have jurisdiction over programs for the rest of the general population, including Indigenous people who don't have status.

**IF THE NATIONAL INQUIRY DIDN'T HAVE JURISDICTION WITHIN ALL 13 PROVINCES AND TERRITORIES, WE WOULD ONLY BE ABLE TO COMPEL WITNESSES AND DOCUMENTS RELATED TO FEDERAL PROGRAMS DELIVERED IN EACH PROVINCE OR TERRITORY, BUT NOT OF THAT PROVINCE OR TERRITORY ITSELF.**

The National Inquiry must also respect the jurisdiction of Indigenous communities and Nations.

governments, child welfare agencies, and other institutions. Similarly, we have the power to compel witnesses to testify and to require the production of any document or item we feel is important to fulfilling our mandate.

Commemoration and public education are also important parts of the National Inquiry's mandate. We must educate the broader public on the urgency of this issue, while we create a public record and legacy that honours Indigenous women and girls.

## THE POWERS AND LIMITATIONS OF THE NATIONAL INQUIRY

The National Inquiry into Missing and Murdered Indigenous Women and Girls was established under the federal *Inquiries Act*, which allows us to conduct the National Inquiry independently. This also gives the National Inquiry the power to subpoena documents or compel witnesses to testify.

The National Inquiry into Missing and Murdered Indigenous Women and Girls is, from a legal perspective, the first truly “national” public inquiry in Canadian history. Rather than simply having an Inquiry with federal jurisdiction across the country, each province and territory issued an Order in Council, Order or Administrative Decree, based on their own public inquiry jurisdiction, allowing the National Inquiry to look into issues within their jurisdiction. This means that legally there are actually 14 joint inquiries happening at the same time: the federal inquiry, plus 13 parallel “Inquiries” at the provincial and territorial levels.

Administratively, only one staff body makes up the National Inquiry. These parallel inquiries are not, for example, holding additional hearings or writing additional reports. The creation of 14 legal entities allows us to conduct a full public investigation on issues that cross jurisdictional lines, eliminating what proved to be a significant roadblock in previous

inquiries.<sup>6</sup> However, as we discuss later on, this model also creates challenges of its own.

There are some limitations on all public inquiries. For example, public inquiries (including this one), can't resolve individual cases or declare who may be legally at fault. However, the National Inquiry can and will review individual cases that are brought to our attention, thanks to survivors and family members, in the Community Hearings. We will examine police and prosecution files and may hear from witnesses who participated in those files. If new information comes to our attention that warrants a re-opening of a case or suggests there may have been misconduct, we will refer those matters to the appropriate authorities, as authorized by our Terms of Reference.

The Legal Team has assembled a forensic police file review committee to examine a sample of police files relating to investigations into reports of missing and murdered Indigenous women and girls. This committee is a centrepiece of our public investigation. It will put select police files on missing and murdered women and girls under a clinical microscope, provide analysis, and make observations regarding trends that may emerge among the practices of various police authorities across this country.

The committee will also examine the recent changes that some police authorities have brought to the way they approach these investigations, and how these changes are impacting not only the numbers of missing and murdered Indigenous women and girls, but also the level of trust families and survivors have in local policing authorities. The committee will be made up of Indigenous and non-Indigenous experts who have significant experience in these kinds of police investigations, including Elders, former senior Crown attorneys, senior criminal defence lawyers, criminologists, and a forensic psychologist.

## HOW ARE WE IMPLEMENTING THE NATIONAL INQUIRY'S MANDATE?

The federal government determined the National Inquiry's mandate, as set out in the terms of reference. However, it is up to us to implement it.

To accomplish this, we have adopted the following three key approaches. This will ensure that our work:

- is trauma informed
- is decolonizing
- puts families first

### A TRAUMA-INFORMED APPROACH

A trauma-informed approach supports healing in a way that aims to do no further harm and to ensure that families and survivors are not re-traumatized. By taking this approach, we are committing to shaping the National Inquiry process as much as possible around the needs of those affected by trauma, rather than the other way around. This is incredibly important for survivors and family members, and is consistent with our Terms of Reference.

The National Inquiry is incorporating knowledge of trauma into our policies, procedures, and practices wherever possible. Commissioners and staff are being trained to recognize and respond appropriately to signs of trauma in families, survivors, staff, and others. This makes us aware of the widespread impact of trauma and the potential paths for healing.

Our trauma-informed approach includes creating culturally safe spaces for survivors, family members, and community members to share their stories. We place equal value on Western and Indigenous approaches, and provide access to both. For example, family members and survivors have access to Elders, who are recognized as helpers and healers, and other health supports before, during, and after they participate in a National Inquiry event.<sup>7</sup>

### A DECOLONIZING APPROACH

Because we have accepted the central conclusion of previous inquiries—that for violence against Indigenous women to end, the colonial relationship that facilitates that violence must end—it's critical that we use a decolonizing approach.

FOR VIOLENCE AGAINST  
INDIGENOUS WOMEN TO END,  
THE COLONIAL RELATIONSHIP  
THAT FACILITATES THAT  
VIOLENCE MUST END.

A decolonizing approach aims to resist and undo the forces of colonialism and to re-establish Indigenous Nationhood. It is rooted in Indigenous values, philosophies, and knowledge systems. It is a way of doing things differently that challenges the colonial influence we live under by making space for marginalized Indigenous perspectives. The National Inquiry's decolonizing approach also acknowledges the rightful power and place of Indigenous women and girls.

As an Inquiry, we are committed not only to producing a decolonizing end product, but to being a decolonizing process *in itself*. Because of this, we must be informed by the collective truth of families' and survivors' stories, guided by Elders and Knowledge Keepers and grounded in Indigenous legal traditions that have been used for millennia to stop violence, repair harms, and restore peaceful relationships with each other and the land.

It isn't easy to decolonize as we go. We know there's more work to do, and we will continue to deepen this approach as we move forward.



# WHAT IS TRAUMA?

Trauma is the response felt from deeply disturbing or distressful experiences. These experiences may occur in a single event or through repeated, multiple, or enduring experiences. Trauma overwhelms the individual's ability to cope with their ideas and emotions involved in that experience.

## WHO CAN BE TRAUMATIZED?

Families can be traumatized by an event happening to one or more of its members. Even people who did not directly experience the trauma can be impacted by it, especially if they have a close relationship to the individual who experienced the trauma.

Communities can also be traumatized when events affect any of its members.<sup>vi</sup>

## WHAT DOES IT MEAN TO BE "TRAUMA-INFORMED"?

To be trauma-informed, the National Inquiry must make sure that everyone involved with the Inquiry:

- Understands the historical context of Indigenous Peoples, specifically the experiences of Indigenous women and girls in Canada, and how it contributes to the widespread impact of trauma;
- Recognizes the signs and symptoms of trauma in staff and Inquiry participants and understands what needs to be considered for wellness; and
- Integrates knowledge about trauma into their policies, procedures, communications and settings and understands how to implement it into daily practice.

# NATIONAL INQUIRY LOGO

THE NATIONAL INQUIRY LOGO WAS CREATED BY MEKY OTTAWA OF BEESUM COMMUNICATIONS.



Three symbols were chosen to represent First Nations, Métis, and Inuit traditions

because there is no single image that adequately represents all Indigenous people.

Indigenous women have always been storytellers through their art. Often patterns of shellwork, beadwork, embroidery or weaving are passed down from generation to generation. The use of the connected lines also represents our interconnectedness to each other. While designs differ across Nations, floral patterns are common amongst First Nations and Métis. In this way, we honour First Nations and Métis women by symbolizing beadwork within the flower and leaves, in a way that emphasizes symmetry, balance, and harmony. We honour Inuit women by symbolizing their traditional tattoo designs in a series of black lines and dots. Many Inuit tattoo designs symbolize the womb, feminine empowerment, and family, and a girl was often gifted with a tattoo to mark her entrance into womanhood.

The logo revisits the traditional roots of female Indigenous artistic expression and empowerment. It is meant to honour all Indigenous peoples in Canada and to serve as a reminder of who the Inquiry represents.

## A FAMILIES-FIRST APPROACH

Any process addressing missing and murdered Indigenous women and girls should fully include the families of those women and girls. We have adopted a “families-first” approach, using a broad and inclusive understanding of family and kinship. We welcome biologically and non-biologically related loved ones, chosen families and families of the heart.

The call for a families-first approach grew out of increasing frustrations with how missing and murdered Indigenous women and girls’ families were treated, and often excluded, by the police, the justice system, politicians and the media.<sup>8</sup> “Families first” does not displace the lived experience of survivors, but helps make sure that those who cannot speak for themselves continue to have a voice.

ANY PROCESS ADDRESSING MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS SHOULD FULLY INCLUDE THE FAMILIES OF THOSE WOMEN AND GIRLS.

“Families of the heart” is used to describe a broad sense of family extending beyond the nuclear or extended family to include people who have chosen to consider themselves family.<sup>9</sup> These “families of the heart” have chosen to stay closely involved and support each other out of mutual love and respect.

We recognize that family relationships can be complex. The National Inquiry’s goal is to support survivors of violence and the people who love them. We will not exclude loved ones from testifying or being a support person for those testifying simply because they are not biologically related.

## HOW IS THE NATIONAL INQUIRY STRUCTURED?

National Inquiry staff have been hired from across Canada. They work remotely, from the head office in Vancouver (BC) or from one of the regional offices:

- Ottawa (ON);
- Winnipeg (MB);
- Wendake (QC); and
- Saskatoon (SK).

The National Inquiry is divided into six teams: Health, Community Relations, Legal, Communications, Research, and Operations. Each team is led by a Director, who reports to the Executive Director. The Executive Director reports to the Chief Commissioner and the other Commissioners. The Commissioners also have personal staff that may include an Executive Assistant or Special Advisor.

### Health

The Health Team is the point of first contact for families and survivors participating in the National Inquiry. Members of the Health Team have the initial conversation with each participant and arrange for participants’ health supports before participants are referred to the Legal Team. They also do the after-care follow-up with those who participate in hearings or advisory circles.

The Health Team is building relationships with regional health support agencies throughout the country, including Indian Residential School Resolution Health Support Workers. This will allow local agencies to help support those participating in the National Inquiry. They also work with local Elders and Knowledge Keepers to make sure that we respect culturally specific protocols wherever we go.



The National Inquiry's Critical Path for Trauma-Informed Training.

The Health Team has created a training path on trauma for Commissioners, staff, Grandmothers and Elders, contract workers, and Family Advisory Circle members. It's crucial that all members of the National Inquiry staff are trauma-informed. The Health Team is also responsible for making sure that members of the National Inquiry staff get the health supports they need. Many of our staff have been impacted by violence in one way or another, which increases their chances of being negatively affected by others' trauma. If left unaddressed, this can jeopardize the wellness of the very people who are tasked with fulfilling the National Inquiry's goals.

### Community Relations

Community Relations staff members act as facilitators between organizations, participants, and the National Inquiry. Regional liaison officers provide community outreach across the country. They are building relationships with local and regional front-line organizations, National Indigenous Organizations, and regional coalitions through in-person meetings and regular conference calls based on confidence and trust. In particular, they have maintained a strong relationship with the National Family Advisory Circle and facilitate regular meetings between the Circle and the Commissioners.



They work with organizations and communities to adapt the National Inquiry's processes to the regional specifics of the communities. The Community Relations Team regularly asks for advice and feedback from organizations, families, and survivors, both in person and through teleconference meetings. They ensure there's ongoing communication with organizations, families, and survivors, and help them navigate through the National Inquiry process.

The Community Relations Team members also attend key events across the country. This lets them provide updates and share information about the work of National Inquiry.

**PHOTO:** One of the communities that Inquiry staff visited in preparation for upcoming hearings was Rankin Inlet, Nunavut. Back row, left to right: Dephin Mephin Mutema (Victim Program Development Coordinator, Government of Nunavut), Yvonne Niego (Assistant Deputy Minister of Justice, Government of Nunavut), Lillian Lundrigan (legal counsel, NI-MMIWG), Alana Boileau (Community Liaison Officer, NI-MMIWG), Joseph Murdoch-Flowers (legal counsel, NI-MMIWG), Elder Maryanne Tattuinee, Barb Sevigny (Health Manager, NI-MMIWG), Looee Okalik (Community Liaison Officer, NI-MMIWG), and Vicky Laforge (Health Coordinator, NI-MMIWG). Front row, left to right: Theresie Tungilik (Rankin Inlet councillor), Robert Janes (Rankin Inlet mayor).

## Legal

The Legal Team is responsible for providing legal advice to the Commissioners on matters relevant to the functioning and mandate of the National Inquiry. It is also responsible for making sure that all relevant evidence is brought before the Commissioners.

Team members work with family members and survivors to help them tell their stories to the National Inquiry. This includes meeting with them, preparing them, and providing information and answers to their questions about the National Inquiry's process. The Legal Team is also responsible for the statement takers who will help families and survivors record the stories they would like to share with the National Inquiry. The Legal Team also meets with grassroots organizations, advocacy groups, and other organizations.

The Legal Team is actively putting together the information to be called at the Community, Institutional, and Expert Hearings. They are also seeking opportunities to include Indigenous legal traditions in the Truth-Gathering Process.

## Research

The Research Team gathers and analyzes key information on topics related to the National Inquiry's mandate. Team members review existing materials and studies, conduct new research based on the National Inquiry's identified knowledge gaps, and analyze evidence to support findings and recommendations. One of the Research Team's most important responsibilities is creating the National Inquiry's Interim and Final Reports.

To date, the Research Team has reviewed nearly 100 reports related to violence against Indigenous women and girls, and researched specific issues as needed. Team members prepare briefing notes on various issues for the Commissioners to help them make timely and informed decisions. Because language matters, they have also created a lexicon of



terms. This will guide the National Inquiry in the most respectful use of specific terms.

The Research Team is also responsible for developing the National Inquiry’s commemoration, public education, and arts strategy. Team members are gathering and documenting works of art in all forms—written, performance, visual, and film—gifted to the National Inquiry. Much of the art will be displayed on the National Inquiry’s website, along with other public resources.

The Research Team is also undertaking a youth-focused public education and art project called *Their Voices Will Guide Us*. This project is raising awareness around violence against Indigenous women, girls, and LGBTQ2S people, and includes course materials and resources to teach young people about Indigenous women’s power and place.

### Operations

The Operations Team is in charge of planning, developing, and implementing the overall strategies we need to accomplish the work of the National Inquiry. It is in charge of administration, human resources, financial management, procurement (getting supplies or contracts for services in place), accommodations, security, telecommunications, and information management. The Operations Team provides logistical support and coordination for all community visits and hearings, including coordinating funding for Indigenous people and organizations participating in the National Inquiry.

The Operations Team works closely with all other National Inquiry teams, staff members, and the Commissioners to make sure our work gets done in a coordinated way.

### Communications


The Communications Team communicates the mandate, priorities, and actions of the National Inquiry to the general public. It is responsible for providing strategic advice to the Commissioners, executive director, and team directors on all media and public relations issues.

Team members develop communications strategies and action plans for external and internal communications initiatives. They also foster relationships with external organizations and partners in order to be transparent about the National Inquiry’s accomplishments and to be well informed of the effectiveness of communication priorities and plans.

The Communications Team uses a wide range of approaches to keep the public informed. Further plans are underway to strengthen the team’s capacity and to acquire the tools necessary to become more proactive in its work.

The Communications Team will also bring in specialists to provide strategic advice on how to best communicate publicly in Québec and in the North.





*“The Indigenous people of Canada are emotionally exhausted by being the educators. [Education] needs to be at all levels – from early childhood, right up through the ages, through the school systems, government systems. I have fear that our children will face those stereotypes, the racism I faced as a child.... It’s—it’s everywhere.”*

TRACY CAMILLERI, NIECE OF MARY JOHNS, MURDERED  
IN VANCOUVER IN 1982. FROM THE NATIONAL INQUIRY'S  
COMMUNITY HEARING IN WHITEHORSE, MAY 30, 2017.

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## CHAPTER 3

# *Our Story* **BUILDS**

### WHAT HAVE WE LEARNED FROM THE PRE-INQUIRY PROCESS?

The federal government's report on the pre-Inquiry engagement process was based on in-person feedback from more than 2,100 people, over 4,100 online survey responses, and more than 300 other submissions. It organized key issues and actions into four categories: child and family services, law enforcement, the criminal justice system, and systemic issues and legacies.

One of our challenges is that we have not yet been able to conduct our own independent analysis of the pre-Inquiry data. We have the data that was collected and compiled by INAC. However, it's been challenging to get the computer software we need in place to analyze this data.

Despite these limitations, we have reviewed the pre-Inquiry community meeting materials to identify key issues to help guide our overall research strategy.

The most significant new theme we identified in this process was the impact of racism. Whether it took the form of institutionalized ignorance, stigma, and stereotypes, or racially motivated violence, racism was the issue most frequently raised at the community meetings (with survivors, families, and loved ones) and stakeholder meetings (with provinces, territories, National Indigenous Organizations, non-governmental and international organizations, Indigenous leaders, scholars, and legal experts). Families pointed to the importance of making the National Inquiry Indigenous-centred by incorporating Indigenous legal traditions and restoring a Nation-to-Nation (or in some cases, an Inuit-to-Crown) relationship between Indigenous Peoples and the federal government.

Most pre-Inquiry participants identified addictions issues, child welfare, poverty,

family violence, and lack of trauma supports (especially for the children and the parents of missing and murdered women) as needing urgent action.

Gang involvement, human trafficking, and organized crime were also a high priority.

Other key issues included being mindful of regional differences, such as Québec's relationship with the Roman Catholic Church and northern and remote areas' unique needs. The question of how to support families with members who act violently and who also experience violence themselves was a particularly pressing one in small communities.

Many of the families' recommendations for law enforcement centred on the need for designated investigators, police units, advocates, protocols, or regional offices to address violence against Indigenous women. Families also said that recommendations should not only be directed to federal, provincial, and territorial governments, but should include Indigenous communities, governments, and leadership as well.

Some suggestions for commemoration included helping families bring human remains back home for burial, marking currently unmarked graves, and introducing a National Day of Mourning.

## WHAT HAVE WE LEARNED FROM OUR ADVISORY MEETINGS?

From the start, we have sought advice from people, groups, and organizations across the country. We have done this through advisory meetings with provincial/territorial regions, with the National and Regional Family Advisory Circle, National Indigenous Organizations, coalitions, organizations, and communities. Each of the Commissioners also has a Grandmother or an Elder (as in Commissioner Robinson's case) who regularly advises and supports them.

Family members and survivors made it clear that they were ready to tell Canada their stories and their solutions. Front-line workers and local leaders have also helped identify systemic issues and potential solutions.

Many people felt that these formal meetings too closely duplicated the pre-Inquiry meeting process, without providing a safe and comfortable opportunity for survivors and family members to meet with Inquiry staff before the Community Hearings. For these reasons, we changed the more formal Regional Advisory meetings model to a smaller, more flexible model of community visits.

The most significant issue our partners identified is the role that police forces and the criminal justice system play in perpetrating violence against Indigenous women and girls. There is an overall lack of trust in the justice system—including the police, courts, coroners, and corrections—and a belief that women and families are not receiving the justice they deserve. People are afraid of retribution and bullying when reporting police complaints in small communities. There is ongoing concern about the lack of communication between police and families. We have heard that existing mechanisms for making complaints against the police, investigating police misconduct, and addressing the overall lack of transparency, are inadequate. Many believe that the cause of death is ruled as from “natural causes” far too often in cases where there are suspicious circumstances.

A second key issue our partners identified is the way the media depicts Indigenous women and victims of violence. Racism is prevalent in the media, and negative, stereotypical coverage of Indigenous women has a profound impact on families. It also discourages non-Indigenous Canadians from seeing these high rates of violence as a fundamental violation of the human rights of Indigenous women and girls. Violence against Indigenous women and girls is a social responsibility. This is why public education must be a priority.



## WHAT WAS THE “SIXTIES SCOOP”?

THE “SIXTIES SCOOP” WAS A CHILD-WELFARE POLICY IN CANADA THAT WIDELY REMOVED INDIGENOUS CHILDREN FROM THEIR HOMES AND PLACED THEM WITH NON-INDIGENOUS FAMILIES, EITHER IN CANADA OR OUTSIDE THE COUNTRY. THIS PRACTICE BEGAN IN THE 1960S AND CONTINUED UNTIL 1990.<sup>vii</sup>

There is also a direct link between child welfare apprehensions and missing and murdered Indigenous women and girls. Without change to the child welfare system there will continue to be high rates of violence and missing and murdered Indigenous women and girls.

People told us that sex trafficking is a reality in Indigenous communities and urban centres. They said that Indigenous women, girls, and LGBTQ2S people are overrepresented in the sex trade, and that there is still a stigma around sex work, which creates conflict within families and between organizations over how best to protect women in the trade. They also pointed to the link between prostitution and resource extraction, as the culture and values associated with hyper-masculine industrial camps can make Indigenous women and girls more vulnerable to violence.<sup>1</sup>

The issues facing Indigenous women and girls are complex and systemic. People are concerned about how to address issues linked to cultural genocide, residential schools, and the Sixties Scoop, each with intergenerational impacts, without feeding harmful stereotypes or causing further harm.

Families and survivors want answers, closure, and healing. We heard that communities often have their own solutions to tackling violence but lack the funding or jurisdiction to do so. Social services with successful track records are underfunded and staff members are overworked, especially in small, rural, remote, or isolated communities. Usually, these communities lack mental health supports and other counselling services. Support services are often not holistic or Indigenous-led, but based on colonial approaches that assume “government knows best.” We heard that such approaches do not work for Indigenous families. As a result, people rely on informal supports, such as local Elders, who do what they can but are overwhelmed.

Many of the people we have spoken with agree that organizations must be adequately funded so that they can effectively work together.

The insights gathered through the Regional Advisory Meetings, meetings with our partners, community visits, and the many other sources of information available to the National Inquiry (including previous reports, as discussed below) have helped us develop the key research themes and paths of inquiry described in this report.

## WHAT HAVE WE LEARNED FROM PREVIOUS REPORTS?

Due to the tireless efforts of family members, communities, and organizations, violence against Indigenous women and girls has been the subject of many reports over the past few decades. These reports and recommendations cover a variety of issues, all speaking to the violence inflicted on Indigenous women through the forces of colonization.

One of the reasons the previous federal government gave for why Canada didn't need a national inquiry was that this issue had been studied enough. Some advocates and family members have had similar concerns, feeling researched to death with little to show for it.<sup>2</sup> Many are afraid the National Inquiry will produce just another report to collect dust on a shelf.

These fears are not unfounded. Government after government has failed to implement the vast majority of these recommendations. This fact should be a source of shame for all Canadians.

However, the cornerstone of the National Inquiry's work is to gain a full understanding of the causes of violence against Indigenous women and girls, and to keep governments, institutions, and other organizations accountable for implementing the solutions. We know what some of the problems and solutions are, but we still need a coordinated approach—one that shines light on the full breadth of violence

faced by Indigenous women and girls, and one that fully honours and commemorates the people we've lost.

To accomplish this, the National Inquiry has analyzed 98 reports on violence against Indigenous women and girls in Canada. These reports are from past commissions of inquiry, parliamentary standing committees, grassroots community initiatives, National Indigenous Organizations, international agencies and commissions, and national and international civil society organizations. Together, they contain over 1,200 recommendations addressing the disproportionate rates of violence against Indigenous women in Canada.

We used the following criteria to determine which documents to include:

- reports, strategies, and action plans concerning violence against Indigenous women and girls in Canada;
- reports and action plans that dealt with human trafficking in Canada, with specific sections devoted to Indigenous women and girls; and
- reports concerning the justice system and Indigenous people in Canada that explicitly referred to Indigenous women and girls and the Canadian justice system.

This is a working list, available on the National Inquiry's website. It will continue to evolve over time. We invite families and survivors, community members, front-line workers, advocates, and others to let us know of any additional reports that can be added to this list.

We chose to undertake this comprehensive review for several reasons. First, it gives us a cross-jurisdictional picture of violence against Indigenous women and girls. Second, it helps us identify knowledge gaps. Third, by examining which recommendations have or haven't been implemented, we can identify the systemic barriers to implementation and take those into account.

# REPORTS INCLUDED IN THE NATIONAL INQUIRY'S TERMS OF REFERENCE

THE REPORT OF THE ROYAL COMMISSION ON ABORIGINAL PEOPLES

THE TRUTH AND RECONCILIATION COMMISSION'S FINAL REPORT

WHAT THEIR STORIES TELL US: RESEARCH FINDINGS FROM THE SISTERS IN SPIRIT INITIATIVE

REPORT OF THE HOUSE OF COMMONS SPECIAL COMMITTEE ON VIOLENCE AGAINST INDIGENOUS WOMEN (2014)

REPORTS OF THE MISSING WOMEN COMMISSION OF INQUIRY (OPPAL INQUIRY)

REPORT OF THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

MISSING AND MURDERED ABORIGINAL WOMEN: A NATIONAL OPERATIONAL OVERVIEW, ROYAL CANADIAN MOUNTED POLICE (2014)

THE REPORT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS ON MISSING AND MURDERED INDIGENOUS WOMEN IN BRITISH COLUMBIA


This is an unprecedented review: none in Canada to date has included this many federal, provincial, and territorial reports on violence against Indigenous women in a single assessment. This work builds on a report by the Legal Strategy Coalition on Violence Against Indigenous Women.<sup>3</sup> Many of the reports we reviewed focus on a single region or jurisdiction, and no past report has been as comprehensive in its jurisdictional scope or mandate as the National Inquiry's. The scope of this review is especially important since the lack of interjurisdictional cooperation has been a longstanding barrier to ending violence against Indigenous women, girls, and LGBTQ2S people.

THE NATIONAL INQUIRY HAS ANALYZED 98 REPORTS ON VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS IN CANADA.

In terms of knowledge gaps, we have undertaken the most comprehensive literature review to date of existing reports, studies, and articles on violence against Indigenous women and girls. We will continue to add to it moving forward. This review is in itself a public education tool that will make future research easier after the work of the National Inquiry is done.

This review is unprecedented when it comes to assessing whether recommendations in previous reports have been implemented or not. While it's beyond our scope and resources to address each of the 1,200 recommendations identified so far, it's important to study the systemic barriers to recommendations' implementation. This will help us make sure that the National Inquiry's ultimate recommendations are as practical and effective as possible, building on past work and avoiding simply duplicating what's already been called for.

In general, most recommendations have not been implemented, or progress has been very slow. It is difficult, however, to evaluate whether



*seen so many sisters,  
taken from our home  
my heart is breaking  
my hands are shaking  
cause I feel scared inside  
I won't let it show  
and they won't  
take my pride*

EXCERPT FROM *THE HIGHWAY*, A SONG WRITTEN AND RECORDED WITH STUDENTS OF 'NA AKSA GYILAK'YOO SCHOOL IN KITSUMKALUM FIRST NATION, BRITISH COLUMBIA. THE TITLE REFERS TO HIGHWAY 16 BETWEEN PRINCE GEORGE AND PRINCE RUPERT, NOW KNOWN AS THE HIGHWAY OF TEARS. THIS VERSE IS SUNG BY ANNALEE PARKER.  
[HTTPS://WWW.YOUTUBE.COM/WATCH?V=HG\\_9D260YEI](https://www.youtube.com/watch?v=HG_9D260YEI)

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implementation in a certain area has been good enough, because there are no standardized criteria by which to do so. As well, governments generally do not provide a lot of transparent public reporting on their efforts to implement specific recommendations, even when they come from their own reports, action plans, programs, and services. Generally, our review has found that implementation efforts have focused more on the reactive than the preventative approach. However, both approaches urgently need more attention.

In the following section, we will highlight key reports listed specifically in the National Inquiry's Terms of Reference.<sup>4</sup>

## CANADIAN REPORTS CONCERNING VIOLENCE AGAINST INDIGENOUS WOMEN

### **What Their Stories Tell Us: Research findings from the Sisters In Spirit initiative, Native Women's Association of Canada (2010)**

The Native Women's Association of Canada (NWAC) has been one of the most important advocates in raising awareness and understanding of violence against Indigenous women in Canada. Its Sisters In Spirit initiative involved extensive research, educational programming, and policy development, and its groundbreaking report presented a number of key findings beyond putting a number to the cases of missing and murdered Indigenous women.<sup>5</sup>

NWAC found that the majority of disappearances and deaths occurred in the western provinces, that more than half of those who died or disappeared were under 31 years old, and that Indigenous women are more likely than non-Indigenous women to be killed by a stranger.

The report points to the impacts of colonization. These include the overrepresentation of Indigenous children in the child welfare system, intergenerational trauma, substance

abuse, unstable families, and sexual abuse. The report also highlights the underlying socio-economic factors that contribute to violence, such as poverty, poor health, homelessness, and institutionalization. Finally, the report notes that police and child welfare systems failed to concretely address the factors that make Indigenous women and girls more vulnerable to violence. NWAC's report states that both preventative and reactive measures are needed to address this violence.<sup>6</sup>

### **Invisible Women: A Call to Action – A Report on Missing and Murdered Indigenous Women in Canada, Report of the Special Committee on Violence Against Indigenous Women (2014)**

In 2013, the federal government established a Committee on Violence Against Indigenous Women. It was meant to “conduct hearings on the critical matter of missing and murdered Indigenous women in Canada, and to propose solutions to address the root causes of violence against Indigenous women.”<sup>7</sup> The Committee's report, *Invisible Women: A Call to Action*, was organized around three themes: violence and its root causes; front-line assistance; and preventing violence against Indigenous women and girls. The Committee held public meetings to hear testimony from family members of missing and murdered Indigenous women, and meetings with prevention experts and front-line service providers. The report produced 16 broad recommendations for ways to better address violence against Indigenous women and girls.<sup>8</sup>

### **Reports of the Missing Women Commission of Inquiry (Oppal Commission, British Columbia)**

British Columbia established the *Missing Women Commission of Inquiry* (the “Oppal Inquiry”) in 2010. Its purpose was to examine police investigations of women who went missing from Vancouver's Downtown Eastside between 1997 and 2002 and the handling of the

criminal prosecution of Robert Pickton. The Oppal Inquiry was also tasked with making recommendations to improve BC investigations of missing women and multiple homicides.

Its 63 recommendations relate mostly to policing failures, including general practices, investigations, prosecutions, and poor relationships between police services and local communities. It also recommended that the RCMP and the Vancouver Police Department apologize to the families of missing and murdered Indigenous women, that the RCMP improve community-based response to missing persons cases, and that the province compensate the affected families and improve Indigenous women's access to public transport.<sup>9</sup>

The province appointed an independent advisor to oversee the implementation of the Oppal Inquiry's recommendations in 2012. However, he stepped down in 2013 and progress has since lagged.<sup>10</sup>

## INTERNATIONAL REPORTS CONCERNING VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS IN CANADA

### **Report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (30 March 2015)**

In 2015, the Committee to End Discrimination Against Women (CEDAW), a standing committee of the United Nations, evaluated Canada's response to violence against Indigenous women. The Committee found that there was a serious lack of measures in place to address this violence. Its 38 recommendations to the government addressed underlying

socio-economic root causes of violence as well as the justice system's inability to respond appropriately to this violence. The Committee also recommended establishing a mechanism to monitor and evaluate the implementation of their recommendations.<sup>11</sup>

### **Missing and Murdered Indigenous Women in British Columbia, Canada, Inter-American Commission on Human Rights (21 December 2014)**

The Inter-American Commission on Human Rights (IACHR) report, *Missing and Murdered Indigenous Women in British Columbia*, looked at the context in which Indigenous women have gone missing and been murdered over the past several years and the Canadian government's response. The report stressed that governments' actions to address these issues will only work if they also address their root causes. It noted the police's failure to prevent violence against Indigenous women, to protect them from it, and to diligently investigate cases of murders and disappearances. These failures perpetuate violence by sending the message that its perpetrators will not be held accountable for their actions.

The report noted the lack of trustworthy or comprehensive Canadian statistics on these issues. The report's recommendations were geared towards helping the federal government strengthen its efforts to protect Indigenous women's rights and emphasized the need for a nationally coordinated response to the violence experienced by Indigenous women.<sup>12</sup>

Both the CEDAW and IACHR reports framed this as a human rights issue. They make it clear that the disproportionate rates of violence experienced by Indigenous women and girls in Canada, and the lack of government protection, are violations of their human rights under international law.

## A POLICE REPORT CONCERNING VIOLENCE AGAINST INDIGENOUS WOMEN IN CANADA

### Missing and Murdered Aboriginal Women: A National Operational Overview, Royal Canadian Mounted Police (2014)

In 2013, the RCMP undertook a national review of police-documented cases of missing and murdered Indigenous women in Canada. The final report, released in 2014, analyzed information from 1,017 homicides and 164 missing persons cases found for Indigenous women between 1980 and 2012. This report was meant to guide RCMP operational decision-making and lead to more targeted crime prevention, better community engagement, and more accountability in criminal investigations.<sup>13</sup>

The report does not identify any underlying causes of violence against Indigenous women, nor does it contain any recommendations. Instead, it outlines what actions the RCMP will take to address the failings noted in its report. These include: putting more effort into unresolved cases, focusing on violence prevention, increasing public awareness of violence against Indigenous women, and continuing to update the internal RCMP case database that was created for this project as new cases arise.

THEY ARGUE THAT THE REPORT FAILS TO ADDRESS HOW POLICE CONDUCT CAN MAKE WOMEN MORE VULNERABLE TO VIOLENCE.

In 2015, the RCMP released an update to its Overview report that addressed investigative, procedural, and preventative initiatives they had undertaken as the “next steps” outlined in the 2014 Overview.<sup>14</sup> It also assessed more recent statistics (2013–15) and noted that they failed to show any improvement in the

disproportionate rates of violence experienced by Indigenous women.

The report also asserted a “strong nexus” between violence against Indigenous women and family violence, and committed to focusing police work on intervention and prevention efforts to address family and spousal violence.<sup>15</sup> It highlighted that Indigenous communities needed to be included in “working partnerships that will collectively focus on how best to approach challenges and find solutions that will enhance the safety and security of everyone.”<sup>16</sup>

Some organizations have pointed out the flaws in the RCMP’s 2014 report and its update. Namely, they argue that the report fails to address how police conduct can make women more vulnerable to violence, and that the source of statistics used to inform the report concerned only established homicide cases (excluding cases where the death was suspicious, or where human remains were found in remote locations) and did not measure whether police behaviour met acceptable standards. Critics said that the RCMP report reinforced misleading public perceptions that Indigenous men are primarily responsible for violence against Aboriginal women, without considering historical and systemic factors.<sup>17</sup>

### WHAT THESE AND OTHER REPORTS HAVE IN COMMON

Most of the 98 reports identified to date generally agree on the root causes of violence against Indigenous women and girls, and what overall measures are required to stop it.

The next sections of this report will summarize the major themes and sub-themes that we have identified. It will be organized according to the consensus that have emerged over:

- the root causes of violence against Indigenous women and girls in Canada; and
- the measures needed to end violence against Indigenous women and girls in Canada.

### **Consensus over the root causes of violence against Indigenous women and girls in Canada**

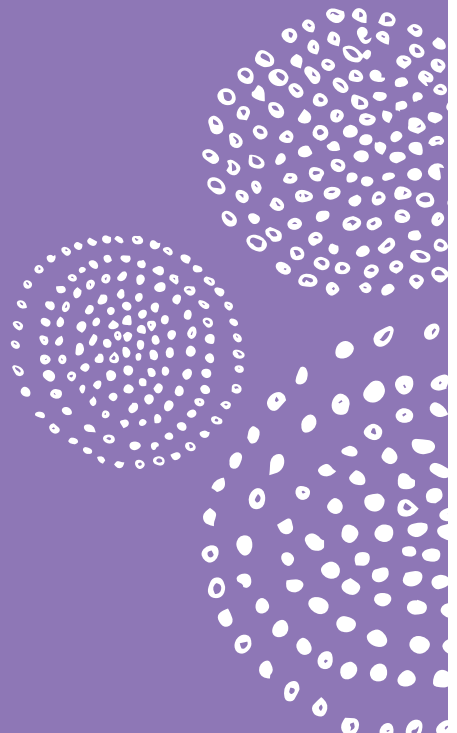
Virtually all of the reports that discuss root causes point to the historical legacies and continuing impacts of colonization on Indigenous communities in Canada. Many reports also discuss how discrimination under the *Indian Act* and other Canadian laws, the residential school system, and the Sixties Scoop have all contributed to Indigenous communities' loss of traditional knowledge, profound intergenerational trauma, and violence. They agree that no understanding of violence against Indigenous women and girls, including LGBTQ2S people, can be understood without grounding it firmly within Canadian colonialism.

As a result of this deeply rooted discrimination, Indigenous women, girls, and LGBTQ2S people have long been, and continue to be, socio-economically marginalized. They experience disproportionate rates of poverty and poor living conditions compared to non-Indigenous Canadians. They are more vulnerable to violence, and less able to leave violent circumstances. This is due to gaps between Indigenous and non-Indigenous people's access to good schools and jobs; emergency housing in the short term and safe, affordable housing in the long term; and culturally appropriate health, mental health, and addictions treatment services.

Many reports also point to Indigenous Peoples' loss of self-determination as a root cause of violence against Indigenous women and girls. These reports emphasize that Canadian governments need to rebalance the power in their relationships with Indigenous Nations and communities. They affirm that any meaningful efforts to address violence against Indigenous women, girls, and LGBTQ2S people must be based on a true partnership between Canadian and Indigenous jurisdictions. This must include Indigenous and non-Indigenous leadership, service providers, advocates, and communities.

## WHAT IS SELF-DETERMINATION?

SELF-DETERMINATION IS INDIGENOUS PEOPLES' INHERENT RIGHT TO FREELY DETERMINE THEIR OWN POLITICAL STATUS AND PURSUE CULTURAL, ECONOMIC, AND SOCIAL WELL-BEING BASED ON THEIR OWN LAWS AND GOVERNANCE SYSTEMS.





### **Consensus over measures needed to end violence against Indigenous women and girls in Canada**

A significant number of the reports we reviewed also agree on what needs to be done to end violence against Indigenous women and girls and to better protect those who experience violence. Many of these recommendations overlap considerably.

In the following section, we have grouped several decades' worth of existing recommendations into 17 overarching themes. Grouping these recommendations thematically highlights the broader systemic factors that threaten the safety of Indigenous women and girls and draws attention to the complementary and at times repetitive nature of many recommendations. The fact that they have been made so many times, from groups across the country, adds weight to these recommendations and amplifies their authors' collective voice. At the same time, this grouping highlights several distinct areas where there is widespread and systemic government inaction.

This section of the Interim Report provides a preliminary review of which recommendations have been implemented and to what degree this has been done. Going forward, we will continue to examine which recommendations have been implemented, in an effort to identify the main reasons why some recommendations are followed through with, but not others. Through this ongoing process, we hope to speed up the implementation of existing recommendations and to make sure that the National Inquiry's final recommendations support and build on existing work.

## RECOMMENDATION THEMES

### **The need for a national inquiry into violence against Indigenous women and girls.**

These recommendations called for an inquiry to examine root causes and failures of the justice system to address violence against Indigenous women across the country. Reports emphasized that this inquiry would need full provincial and territorial support, and the involvement of families and community members.

This has been implemented. Justice Canada has also budgeted more than \$16 million over four years to help provinces and territories establish Family Information Liaison Units (FILUs), which are intended to help families and survivors who engage with the National Inquiry.<sup>18</sup> Most provinces and territories have begun implementing their FILU plans, but they are not yet fully operational.<sup>19</sup>

### **The need for a federally coordinated, cross-jurisdictional national action plan to address violence against Indigenous women and girls.**

These recommendations stress that federal, provincial, and territorial governments need to partner with National Indigenous Organizations and Indigenous governments to develop such a plan.

This does not appear to have been fully implemented. In 2014, the federal government released a document titled "Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls."<sup>20</sup> However, it was widely criticized as "window dressing," repackaging existing initiatives rather than creating any new or specific initiatives to address violence against Indigenous women.<sup>21</sup> A 2016 *Globe and Mail* investigation into the plan's actual spending found that 90%

# WHAT IS THE DIFFERENCE BETWEEN STATUS AND NON-STATUS INDIANS?

**FIRST OF ALL, THE TERM “INDIAN” IS GENERALLY CONSIDERED TO BE OFFENSIVE. HOWEVER, IT RETAINS LEGAL MEANING WITHIN CANADIAN LEGISLATION AND IN THE CANADIAN LEGAL SYSTEM.**

“Indian” is the legal identity of an Indigenous person who is registered under the *Indian Act*. The term “Indian” collectively describes all the Indigenous people in Canada who are not Inuit or Métis.

Three categories apply to Indians in Canada: Status Indians, Non-Status Indians, and Treaty Indians.

## **STATUS OR REGISTERED INDIANS**

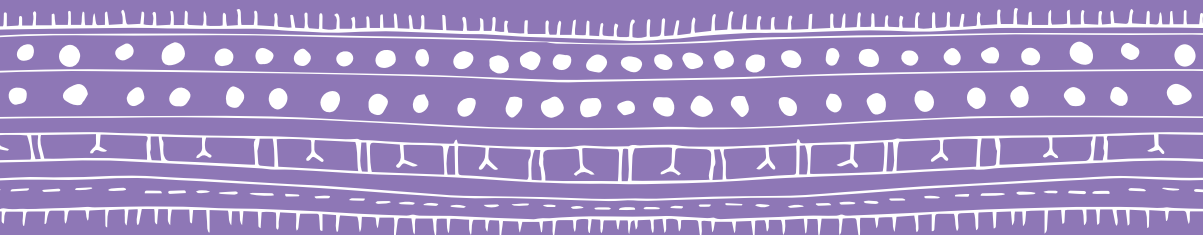
A person who is entitled to have their names included on the Indian Register, an official list maintained by the federal government. Certain criteria determine who can be registered as a Status Indian. Only Status Indians are recognized as Indians under the *Indian Act* and are entitled to certain rights and benefits under the law.

Government allocation dollars are based on per-person status membership only.

## **NON-STATUS INDIANS**

Non-Status Indians are people who consider themselves Indians or members of a First Nation but who the Government of Canada does not recognize as Indians under the *Indian Act*. They may have lost their status, or their ancestors may have lost their status under former or current provisions of the *Indian Act*. It may also be that their ancestors were never registered. Either way, Non-Status Indians are unable to prove their Indian status, and so are not entitled to the same rights and benefits available to Status Indians.

In *Daniels v. Canada*, the Supreme Court ruled that Métis and non-status Indians are “Indians” under section 91(24) of the *Constitution Act*, which means they now fall under the federal government’s jurisdiction. However, the ruling does not impact Métis’ and non-Status Indians’ eligibility for programs and services currently targeted to Status Indians.



of the promised \$25 million went towards law enforcement and efforts to address international human trafficking. Less than 10% (approximately \$500,000 a year) went to support victim services—and it's not even clear whether this limited funding was fully spent.<sup>22</sup>

*Sub-theme: provincial and territorial action plans to address violence against Indigenous women and girls.*

Over the last four years, several provinces and territories have launched action plans and strategies to address violence against women. However, many of these plans apply to all women in the province, failing to recognize the disproportionate rates of violence experienced by Indigenous women and girls. They don't recognize the need for specific programming designed by and for Indigenous populations, or Indigenous women.<sup>23</sup> Other provinces have created working groups or advisory councils to help address violence against Indigenous women and girls—for example, the Minister's Advisory Council on Aboriginal Women (MACAW) in BC.<sup>24</sup>

In February 2016, Ontario became the first province or territory to institute a plan to specifically address violence against Indigenous women. Over three years, the plan will involve:

- \$80 million in new funding for a Family Well-Being Program to help Indigenous families in crisis and to address intergenerational trauma in communities;
- \$15.75 million for more effective supports for Indigenous women interacting with the justice system, to develop a survivor-centred strategy to address human trafficking in Ontario, and to fund other community safety supports;
- \$2.3 million to introduce new legislation around missing persons investigations, to improve training for Crown attorneys and police, and to provide new tools for First Nations policing; and
- additional funding to raise public awareness around this issue and conduct

further research into how exactly violence against Indigenous women and girls takes shape in Ontario.<sup>25</sup>

### **The need for federal, provincial, and territorial governments to publicly acknowledge and condemn violence against Indigenous women and girls.**

These recommendations include the need for governments to publicly commit to addressing this issue as a top priority.

This appears to have been implemented. During the first and second National Roundtables on this issue, every province and territory committed to working together and with National Indigenous Organizations and Indigenous governments to address violence against Indigenous women and girls.<sup>26</sup> Several provinces have also made separate public statements condemning violence against Indigenous women and have committed to prioritizing efforts to end this violence.<sup>27</sup>

### **The need for public education and greater public awareness of violence against Indigenous women and girls.**

This included several calls for a national awareness campaign on certain risk factors for Indigenous women and girls, as well as ways to prevent violence.

This does not appear to have been fully implemented. While all provinces and territories have committed to a national awareness campaign around violence against Indigenous women,<sup>28</sup> it appears that progress has stalled with no campaign release in sight.

When it comes to prevention, the federal government administers a Family Violence Prevention Program that funds 41 shelters and community-driven initiatives on and off reserve.<sup>29</sup> Its last performance evaluation in 2012 found that a lack of adequate funding and trained staff prevented the program from being as effective as it should have been.<sup>30</sup> However, the federal government introduced additional

program funding in 2016.<sup>31</sup> The federal government also funds the National Aboriginal Circle Against Family Violence, which provides public education around family violence in Indigenous communities.<sup>32</sup>

At the same time, it's important to recognize that much of the federal funding designated for Indigenous people is available only to individuals with Indian Status, and, as a result, federal funding does not adequately address the needs of Inuit and non-Status Indigenous people or territorial governments that serve majority Indigenous populations.

Several provinces and territories have created public awareness campaigns. One example has been the Highway of Tears Prevention and Awareness Project, which educates Indigenous community members about safety risks along Highway 16 in BC.<sup>33</sup> The RCMP also has a dedicated liaison with NWAC, which works on raising the public's awareness of violence against Indigenous women.<sup>34</sup>

**The need for more frequent and accessible transportation services to be made available to Indigenous women.**

This was a particularly urgent recommendation for more remote areas and areas where hitchhiking is one of the only ways people without cars can travel.

This does not appear to have been fully implemented. Despite the fact that the Highway of Tears Symposium recommended a bus or shuttle service along Highway 16 in BC over a decade ago, the first (limited) stretch of service along the highway only began this year.<sup>35</sup>

INDIGENOUS WOMEN AND GIRLS  
LIVING IN REMOTE COMMUNITIES  
IN THE NORTHERN TERRITORIES  
ALSO NEED MORE ACCESSIBLE  
PUBLIC TRANSIT OPTIONS.

While transportation recommendations in previously published reports tend to focus on BC, community members in Saskatchewan have more recently protested the closure of the Saskatchewan Transit Company (STC).<sup>36</sup> Advocates have filed a human rights complaint over the STC closure, arguing that closing this transportation services discriminates against Indigenous women, who are being forced to put themselves at greater risk because they now need to hitchhike to move around the province.<sup>37</sup>

Indigenous women and girls living in remote communities in the northern territories also need more accessible public transit options.<sup>38</sup> Many other areas across the country likely have similar transportation failings.

**The need to fully ratify and implement international human rights declarations, especially the United Nations Declaration on the Rights of Indigenous Peoples, the Organization of American States' Belém do Pará Convention, and the International Labour Organization's Indigenous and Tribal Peoples Convention (ILO Convention 169).**

This does not appear to have been fully implemented.<sup>39</sup> The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) affirms that Indigenous Peoples are equal to all other peoples, and that all Indigenous Peoples have the right to be free from discrimination; inherent rights to self-determination and control over their own political, cultural, and social institutions; and the right to raise their own children and see to their well-being.<sup>40</sup>

The previous federal government took issue with a section of the Declaration that requires the free, prior, and informed consent of Indigenous Peoples to development on traditional lands. The current federal government dropped this objection and has publicly endorsed the Declaration without qualification.<sup>41</sup> In 2017, as part of implementing the Declaration and transforming Indigenous-Crown relations,



the Government of Canada committed to contributing to the decolonization process, and advancing reconciliation by undertaking a review of existing colonial laws and policies, in partnership with Indigenous Peoples, that would be based on a set of newly-established guiding principles.<sup>42</sup> The National Inquiry recognizes that the federal government examines legislation, policies, and budgetary allocation through a gender-based lens.<sup>43</sup>

Nevertheless, we caution that special care must be taken to ensure that Indigenous women and girls, and LGBTQ2S people's rights are protected and that their voices and interests are fully represented in the review process. This is consistent with Article 22 (1) of the Declaration which says that "particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration," and Article 22 (2) which requires states to "take measures, in conjunction with Indigenous peoples, to ensure that indigenous women and girls enjoy the full protection and guarantees against all forms of violence and discrimination."<sup>44</sup>

Canada has also failed to ratify the *Belém do Pará Convention*, a convention among most countries in North and South America. The Convention states that violence against women is a violation of their basic rights and fundamental freedoms, and that it's the product of historically unequal power relationships between men and women. The Convention requires signatory states (that is, those that ratify it) to commit to the prevention, punishment, and eradication of all forms of violence against women.<sup>45</sup>

Canada has also not ratified the *Indigenous and Tribal Peoples Convention* (ILO 169),<sup>46</sup> which recognizes the equality and human rights of Indigenous Peoples and requires states to recognize Indigenous Peoples' rights to self-determination.<sup>47</sup>

### **The need for compensation for family members and/or a healing fund for survivors and families.**

This does not appear to have been fully implemented. The Oppal Inquiry recommended that BC create a compensation fund for the biological children of the 67 missing and murdered women identified in its terms of reference.<sup>48</sup> The provincial and federal governments and the City of Vancouver created a \$4.9 million compensation fund in March 2014. As of December 2016, 90 of the 98 children eligible for compensation had received it.<sup>49</sup> However, the fund excludes children of women who were not identified in the inquiry's Terms of Reference, and Indigenous women have criticized the limitations on compensation and counselling available through BC's *Victims of Crime Act*. They argue its narrow definition of "family members" is inconsistent with broader Indigenous understandings of family and kinship.<sup>50</sup> No other jurisdiction in Canada has established a similar compensation fund.

The Oppal Inquiry also recommended that the BC government establish a healing fund for the families of the missing and murdered women named in its Terms of Reference. As of December 2016, this had not been done.<sup>51</sup>

### **The need for properly resourced initiatives and programming to address root causes of violence against Indigenous women and girls.**

These recommendations address the need for sustainable and long-term funding to close the education, employment, housing, health, and mental health gaps between Indigenous and non-Indigenous people in Canada. These recommendations call for adequate funding for Indigenous children in care and the need to reduce the number of Indigenous children in care. Finally, recommendations that fall under this theme also address the need for programming for Indigenous men's healing that will help break and prevent cycles of violence.

This does not appear to have been implemented. The federal government and many provinces have strategies in place to address poverty, housing, education, employment, health, and mental health needs of the general population. Some of these strategies recognize the unique challenges of Indigenous people. However, few mention the specific needs of Indigenous women, girls, or LGBTQ2S people. The strategies that do recognize these unique challenges often fail to include concrete actions to address these identified challenges. As a result, most of the recommendations concerning the need to bridge these services gaps have not been fully implemented.

Over the last decade, federal funding had been systematically cut from many Indigenous-specific programs, as well as from Indigenous leadership organizations.<sup>52</sup> These funding cuts effectively closed the Aboriginal Healing Foundation, First Nations Statistical Institute, National Aboriginal Health Organization, and NWAC's Sisters In Spirit Initiative, among others.

However, over the last two years the federal government has increased its funding to Indigenous organizations and initiatives.

In 2016, the federal government promised to lift its 2% funding cap on annual funding increases for on-reserve programming. It also undertook to negotiate a “new fiscal relationship” with First Nations.<sup>53</sup> In 2017, the federal budget added to the First Nations funding promised in 2016, bringing total base funding for on-reserve programming to a planned \$11.8 billion over the next six years. Much of this funding focuses on meeting clean water and housing needs on reserve, improving mental health programs, and increasing financial support for Indigenous students, though this will mostly benefit those with Indian Status.<sup>54</sup>

The 2016 budget also marked the first time Métis people were recognized and included in the federal budget: \$25 million was pledged over five years for Métis people's economic development.<sup>55</sup>

The Inuit Tapiriit Kanatami, Inuvialuit Regional Corporation, Makivik Corporation,

Nunatsiavut Government, and Nunavut Tunngavik signed an agreement with the federal government in February 2017 to address the land claim process, socio-economic equity issues, and collaboration on reconciliation between Canada and Indigenous peoples.<sup>56</sup>

While these funding increases and agreements are steps in the right direction, the pledged amounts fall short of Indigenous communities' needs—and in several areas, Indigenous people still receive less funding than do non-Indigenous people. For example, the federal government pledged \$2.6 billion over five years to address First Nations education gaps, but critics have said that that amount is less than half of what is needed to bridge the gap. Indigenous advocates argue the same is true for First Nations' housing and employment training needs.<sup>57</sup>

Efforts to address the root causes of the disproportionate violence Indigenous women, girls and LGBTQ2S people experience in Canada will continue to be stunted until there is enough funding to bridge socio-economic gaps between them and the rest of Canada. More discussion of these specific areas can be found below.

*Sub-theme: the need for responsive, accountable, and culturally appropriate child and family services.*

In 2016, the Canadian Human Rights Tribunal (CHRT) found that the federal government discriminated against First Nations children in care by providing less funding for them than for non-First Nations children in care.<sup>58</sup> The CHRT held that this discrepancy perpetuated historic disadvantages, particularly the legacies of residential schools. It also held that the federal government was failing to implement Jordan's Principle,<sup>59</sup> expanded the definition of Jordan's Principle, and found that Directive 20-1—a federal policy that determines how funding is provided to First Nations child welfare agencies—created an incentive to remove Indigenous children from their families.

# WHAT IS JORDAN'S PRINCIPLE?

**JORDAN RIVER ANDERSON WAS A FIVE-YEAR-OLD BOY FROM NORWAY HOUSE CREE NATION IN MANITOBA.**

He had complex medical needs. He spent his short life in a Winnipeg hospital, even after doctors determined he could go to a foster home. Jordan died in the hospital while the provincial and federal governments argued over who should pay for his at-home care.

Jordan's Principle is an all-party resolution of Parliament meant to resolve these kinds of inter-jurisdictional disputes. It says that if an First Nations child needs medical services, they must receive them immediately from whichever government (federal or provincial/territorial) makes first contact. The official issue of who had jurisdiction (that is, who pays the bill) would be resolved later.

The Canadian Human Rights Tribunal has since expanded the definition of Jordan's Principle to apply equally to all First Nations children, for all public services, without requiring that there be an intergovernmental or inter-jurisdictional dispute.<sup>ix</sup>

This legal case, as well as a substantial number of the reports we reviewed, recognizes strong links between the child welfare system and violence against Indigenous women and girls in Canada.<sup>60</sup>

Implementation of existing reports' recommendations on child welfare have been extremely limited and slow. The federal government has also been slow to implement the CHRT's orders—in 2017, the CHRT issued its third non-compliance order to the federal government for failing to fully implement Jordan's Principle.<sup>61</sup>

While the federal government has promised more funding to address child welfare issues and to ensure that there are equitable services for Indigenous children, the amount promised still falls far short of what families need.<sup>62</sup>

Several provinces have conducted, or are in the process of conducting, extensive reviews of their child welfare systems. An independent media investigation and two government reports in Alberta found shocking conditions for Indigenous children in state care.<sup>63</sup> The province has since created a Standing Committee to examine this issue, but front-line workers and advocates are wary of the Committee's ability to create change.<sup>64</sup>

A comprehensive review of the child welfare system in BC highlighted significant failings and made 85 sweeping recommendations to overhaul the system.<sup>65</sup> At the same time, the province's child advocate has expressed concern over whether more reports could really lead to meaningful change: in 2013, she found that the province had spent \$66 million over ten years discussing necessary improvements to child welfare, but virtually none of these reports' recommendations had been implemented.<sup>66</sup>

The Assembly of Manitoba Chiefs' First Nations Family Advocate Office has responded to the fact that Indigenous children make up 90% of Manitoba children in care by calling for better community involvement and customary care of Indigenous children (that is, where, as much

as possible, Indigenous children who need to be removed from their immediate families stay within their community or within their extended family networks).<sup>67</sup> Investigations into child welfare in Saskatchewan have also found an appalling lack of care for Indigenous children in the child welfare system. This has been made worse by the fact that Saskatchewan's child advocate has not regularly informed the public about the increasing number of children who have died while in Child and Family Services custody.<sup>68</sup>

Investigations into child welfare in the northern territories have found similar issues. However, several unique factors impact children's well-being in the North. This includes the practice of removing children from the territories to place them in group homes in other provinces.<sup>69</sup>

Ultimately, while some jurisdictions are trying to improve child welfare, Indigenous children are still overwhelmingly overrepresented in all provinces' and territories' welfare systems, and they still receive poorer services than non-Indigenous children in care.

*Sub-theme: the need to bridge education (primary to post-secondary), skills training and employment gaps between Indigenous people and non-Indigenous people.*

These recommendations call for better-funded schools for Indigenous students and for school curricula that includes Indigenous Peoples' history and culture.

Currently, First Nations students get 30% less per-student funding than do non-Indigenous students.<sup>70</sup> Indigenous students need more funding to help them succeed at school. Advocates also underscore the need for a multi-pronged and incremental approach to education improvements, rather than relying

on the sweeping legislative solutions that have been undertaken in the past.<sup>71</sup>

Over the last several years, Indigenous-focused schools, such as the First Nations School of Toronto and Thunder Bay's Dennis Franklin Cromarty High School, have emerged. These schools support and promote students' Indigenous identities. While this is an important development, it must be undertaken along with many other education reforms and initiatives to better support students' well-being.<sup>72</sup> Several provinces and territories have also started to include Indigenous Peoples' history and culture more prominently in their school curricula.<sup>73</sup>

INDIGENOUS CHILDREN ARE STILL OVERWHELMINGLY OVERREPRESENTED IN ALL PROVINCES' AND TERRITORIES' WELFARE SYSTEMS.

A particularly successful approach to decolonizing school curricula, teaching the history of residential schools, has been undertaken in Nunavut. Inuit educators and long-term northerners helped develop this curriculum. Partnerships such as these recognize Elders' roles in preserving Inuit traditional knowledge and passing it on to the next generation.<sup>74</sup>

*Sub-theme: the need to address disproportionate rates of poverty among Indigenous people, and Indigenous women specifically.*

The federal government is developing a national anti-poverty strategy.<sup>75</sup> All provinces and territories, other than British Columbia, have strategic plans to reduce their poverty rates. However, few of these plans recognize Indigenous people's unique challenges with poverty, nor do they include specific measures to address their unique needs.

*Sub-theme: the need to improve access to safe housing (along the housing spectrum, from emergency shelters to secure permanent housing).*



Several reports have identified precarious housing, lack of access to shelters, and transiency as factors that contribute to violence against Indigenous women, as it makes them less able to leave violent situations.<sup>76</sup>

In 2017, the federal government began a public consultation process to improve housing on reserve.<sup>77</sup> The federal government already has several programs to address Indigenous people's housing needs.<sup>78</sup> However, these programs' effectiveness is clearly limited, as housing crises continue in many Indigenous communities.

Alberta<sup>79</sup> and the Yukon<sup>80</sup> have housing plans that include initiatives to reduce homelessness. These plans recognize that Indigenous people are more at risk of experiencing homelessness than is the general population. BC's Transformational Change Accord and Métis Nation Relationship Accord include a commitment to closing the housing gap between Indigenous and non-Indigenous people, and the BC government has several strategies in place to implement this commitment.<sup>81</sup> However, much more needs to be done.

*Sub-theme: the need for accessible and culturally appropriate health, mental health, and addictions services for Indigenous women.*

After the 2016 CHRT decision was released, Health Canada reviewed health care services for people living on reserve. The resulting report found that the government is failing to provide adequate services and treatment.<sup>82</sup> The federal government has promised more funding for Indigenous health and mental health needs, and to negotiate a new health accord with Indigenous leaders.<sup>83</sup>

Several provinces have established health and mental health plans that recognize the specific needs of Indigenous people. Examples include Alberta's Aboriginal Mental Health Framework,<sup>84</sup> Ontario's First Nations Health Action Plan<sup>85</sup> and the First Nations Health Authority in British Columbia.<sup>86</sup>

*Sub-theme: the need for programming for Indigenous men to help break and prevent cycles of violence.*

There have been several programs that help Indigenous men break cycles of violence over the last few years, including:

- the Warriors Against Violence program in Vancouver, which receives modest funding from the municipality;<sup>87</sup>
- the Kizhaay Anishnaabe Niin program, which operates in several communities in Ontario;<sup>88</sup> and
- Manitoba's Aboriginal Men's Anti-Violence Campaign.<sup>89</sup>

**The need for programming that addresses violence against Indigenous women and girls led by Indigenous people, especially Elders, Two-Spirit people, Indigenous women, and Indigenous women's organizations.**

This does not appear to have been fully implemented. A recurring theme throughout most of the reports under review was that Indigenous people can and should determine how to respond to their own needs. Other recommendations stressed that Indigenous women must be actively involved in developing and providing services for other Indigenous women.<sup>90</sup> We will continue to examine this issue in detail as the National Inquiry moves forward, especially through sessions and hearings with family members, survivors, and front-line workers.

INDIGENOUS PEOPLE CAN AND SHOULD DETERMINE HOW TO RESPOND TO THEIR OWN NEEDS.

**The need for more information concerning the performance of programs and strategies meant to address violence against Indigenous women and girls.**

This does not appear to have been fully implemented. Reports have increasingly included recommendations on how to track the implementation of recommendations.<sup>91</sup> Despite this, much more work needs to be done to make sure governments are transparent and accountable in their efforts to implement recommendations in commissioned reports, action plans, and strategies.

**The need to reform discriminatory legislation, including ongoing gender discrimination under the Indian Act and gender discrimination under matrimonial property laws on reserve, and the need to ensure that discrimination under the Indian Act can be heard by the Canadian Human Rights Tribunal.**

This appears to have been partially implemented. However, despite being subject to decades of legal challenge, gender discrimination still remains when it comes to who inherits Indian Status. The *Descheneaux* case<sup>92</sup> and resulting Bill S-3<sup>93</sup> address this issue to some extent but still fall short of fully providing redress to those who unfairly lost their Status. Advocates have protested the continuing delays in addressing this matter.<sup>94</sup>

On a more successful front, section 67 of the *Canadian Human Rights Act* was repealed in 2008, which prohibited the Canadian Human Rights Tribunal from hearing allegations of discrimination under the *Indian Act*. In 2013, the *Family Homes on Reserves and Matrimonial Property Interests of Rights Act* was passed to address gaps in laws around the division of matrimonial property on reserve after a death or divorce, gaps that had significantly disadvantaged Indigenous women and children.<sup>95</sup>

While these developments address legislated discrimination involving First Nations women, and are generally tied to Indian Status, there

are other legislated forms of discrimination against Inuit and Métis women that the National Inquiry will continue to examine.

**The need for more comprehensive information sharing concerning violence against Indigenous women.**

These recommendations concern governments' and police agencies' failure to share information with the public. They also concern the lack of communication between police and families during investigations into missing or murdered loved ones. Finally, this theme also covers the need for greater information sharing between police departments, especially during (but not limited to) cases involving interjurisdictional investigations.

This does not appear to have been fully implemented. We've already discussed some of the available statistics for missing and murdered Indigenous women, girls and LGBTQ2S people, as well as their shortcomings. More comprehensive information sharing with the public is needed. While there is some indication that new internal RCMP policies may improve information-gathering efforts,<sup>96</sup> much more action is required.

Indigenous liaison officers have been proven to create better communication with families of missing and murdered women.<sup>97</sup> "Ongoing and timely" communication between the RCMP and families was established as a best practice in the 2014 National Missing Persons Strategy.<sup>98</sup>

**The need for better supported community-based first response.**

Recommendations that fall under this theme primarily address the need to provide better support to local search-and-rescue services. However, some recommendations also address the overall need for better crisis response.

This does not appear to have been implemented. Many local search-and-rescue services have been established in remote communities and reserves because of inadequate immediate

police responses to missing persons cases. However, most of these local search-and-rescue services are underfunded and lack capacity.

First Nations can call states of emergency when overwhelmed by natural disasters, health epidemics, or other types of emergency. First Nations have also declared states of emergency during suicide crises.<sup>99</sup> These declarations are meant to trigger immediate help from federal, provincial, and territorial governments. However, government responses to declarations of emergency on reserve continue to be poor.<sup>100</sup> Indigenous communities need more sustained and long-term funding to address the root causes for these emergencies rather than occasional emergency assistance.<sup>101</sup> This option also doesn't exist for many Inuit and Métis communities, or for many communities that are made up mainly of Indigenous people but aren't legally a reserve.

In 2016, the House of Commons created a committee to examine and report on suicide rates in Indigenous communities across the country. The Committee heard testimony from over 50 Indigenous leaders, academics, health organizations and young people. Its final report contained 28 recommendations to address this issue and its root causes, including long-term funding investments to improve housing, mental health services, education, and an overhaul of child and family services for Indigenous communities.<sup>102</sup>

### **The need to better protect Indigenous women involved in survival sex work or who are being trafficked for sex.**

This does not appear to have been fully implemented. There have been several legal and policy developments in this area over the last several years. In 2012, the federal government introduced a National Action Plan to Combat Human Trafficking. However, it fails to provide distinct measures to address Indigenous women's vulnerability to trafficking.<sup>103</sup> Also, recent changes to Canadian prostitution laws may have negative impacts on more vulnerable Indigenous women.<sup>104</sup>

### **The need for measures to improve relationships between police services and Indigenous communities (including survivors, families, and more vulnerable Indigenous women).**

This theme also includes the need for Indigenous liaison units and officers, as well as culturally responsive and accessible victim services. Depending on the reports, these recommendations concerned the RCMP as well as urban and provincial police services.

This does not appear to have been fully implemented. The strained relationships between many Indigenous communities and local police services are firmly rooted in what has been described as the "historical role of police as agents of colonization."<sup>105</sup> For generations, police services have been responsible for enforcing colonial and discriminatory laws and policies. Police forcibly relocated Indigenous communities, removed Indigenous children from their families, and arrested Indigenous people for exercising their rights.<sup>106</sup> In some notable cases, police have threatened Indigenous people's safety, including via "starlight tours," in which police officers would drive Indigenous people to the outskirts of cities and expect them to walk back, often without coats, at risk of dying from the cold in the winter. The RCMP, provincial, and municipal police forces' continuing failure to respond to the needs of Indigenous communities has been well documented for decades, including at length in the RCAP, AJI, and CEDAW reports.

In 2013, Human Rights Watch travelled to several communities in northern British Columbia and documented not only how police failed to protect Indigenous women and girls from violence, but also how Indigenous women had been abused by the police. The report found that Indigenous women, and girls as young as 12, had been harassed by RCMP officers, pepper-sprayed, tasered, attacked by police dogs, subjected to inappropriate strip searches by male officers (called "cross-gender" police searches), and injured by excessive force during arrests. The report also discussed

police failures to protect Indigenous women and girls from violence, such as police refusing to promptly investigate missing persons reports, blaming Indigenous women when they reported instances of abuse, or shaming them for alcohol or substance abuse. Importantly, Human Rights Watch explained that while the RCMP has recently instituted more progressive policies around domestic violence, police did not appear to apply these policies in Indigenous communities.<sup>107</sup>

In response to this report and others, the Civilian Review and Complaints Commission of the RCMP conducted a review of policing practices and policies in northern British Columbia. The Commission found evidence of widespread failures by RCMP officers in the region to investigate missing persons cases quickly and thoroughly. It identified several policies that were outdated and inconsistent with recent developments of the law. The Commission also noted a lack of documentation in police files concerning cross-gender strip searches and police officers' use of force during arrests, making it harder to keep police accountable.

Importantly, the Commission also recognized the RCMP's lack of transparency and information sharing in following up on cases involving missing and murdered Indigenous women.

The report ultimately included 31 recommendations to improve policing in the region, 30 of which were "generally accepted" by the Chief Commissioner of the RCMP.<sup>108</sup>

In June 2017, Human Rights Watch issued a report documenting similar police failures in Saskatchewan. This report evaluated the RCMP and municipal police forces in Prince Albert, Regina, and Saskatoon. Human Rights Watch found that police officers across the province had degraded and abused Indigenous women, girls, and LGBTQ2S people, with cross-gender body and strip searches, excessive force during arrests, and police intimidation. The report also pointed out that Indigenous women tended not to report police abuses either out of fear of police retaliation, or because they felt

their complaint would not be taken seriously. This report noted that Indigenous girls and Two-Spirit people were particularly vulnerable to police abuse, and that Two-Spirit people seemed to be especially fearful of police retaliation for speaking out against police abuse.<sup>109</sup>

The similarities between Human Rights Watch's two reports point to country-wide trends of police abuse. Indigenous women's claims of widespread physical and sexual abuse by the provincial police in Val d'Or, Québec, further highlight this trend.<sup>110</sup>

In 2016, the Federal-Provincial-Territorial Ministers Responsible for Justice and Public Safety finalized a nation-wide Framework to Address Violence Against Indigenous Women and Girls. The Framework prioritizes improving relationships between Indigenous communities and the justice system (including federal, provincial, and territorial police forces). This is to be done partly by making police responses to family violence more trauma-informed, and by taking the impacts of colonialism (including socio-economic marginalization and systemic discrimination) into account. The Framework also seeks to work with communities in a holistic way by coordinating police services with other government departments, non-government agencies, community-based organizations, and families. However, it doesn't specify how exactly they will achieve these goals.<sup>111</sup>

Also in 2016, the federal government reviewed its First Nations Policing Policy. It needed a new approach to policing in Indigenous communities if it wanted to keep its commitment to returning to a Nation-to-Nation relationship with Indigenous Peoples. The review found that communities generally recommended more preventative approaches to policing rather than reactive or punitive measures. Based on this and other feedback, the Ministry of Public Safety and Emergency Preparedness plans to prepare a new First Nations policing strategy some time in 2017.<sup>112</sup> Feedback received by the Minister concerning this strategy underscored the importance of



including specific measures to address the unique needs of Métis and Inuit communities.<sup>113</sup>

Several reports, including the RCMP National Overview, stress the importance of cultural competency training for police. Some jurisdictions have, to varying extents, implemented such programs, but it's difficult to judge how successful they are in changing attitudes—especially in light of reports of police officers being disrespectful to program instructors during their training.<sup>114</sup>

*Sub-theme: the need for a more representative police force.*

Over the last five years, there have been initiatives to encourage the hiring of more Indigenous police officers. One example is the RCMP's Community Constable program in Manitoba, which provides training for Indigenous people to become Special Constables in their own communities.<sup>115</sup> However, these programs need more support to encourage Indigenous people to join police forces and to retain Indigenous officers.

*Sub-theme: the need for Indigenous liaison officers and units in local police forces.*

While there are approximately 70,000 police officers in Canada, fewer than 2,000 work in “Aboriginal policing” (that is, policing in Indigenous communities and is not limited to reserves).<sup>116</sup> Currently, Toronto, Winnipeg, Vancouver, Sudbury, Thunder Bay, Calgary, Montreal, and other cities all have Indigenous liaison officers who address unique public safety needs of Indigenous people living in those cities. Certain provinces, such as Saskatchewan, also have missing persons liaison officers. The RCMP also employs Métis liaison officers in seven of its Divisions.<sup>117</sup>

INADEQUATE FUNDING  
PREVENTS THESE IMPORTANT  
SERVICES FROM EXPANDING.

These officers and units have been proven to improve trust between Indigenous communities and local police services. They also appear to be improving interactions between police and family members of missing and murdered Indigenous women and girls. However, inadequate funding prevents these important services from expanding in many provinces and territories, especially to rural and remote areas where they are sorely needed.<sup>118</sup>

*Sub-theme: the need for culturally responsive and accessible victim services.*

In 2015, the federal government passed the *Canadian Victims Bill of Rights*. While the Bill is not specific to Indigenous people, it recognizes the rights of all victims of crimes (and of their families) to information about the criminal justice system, information about the progress of their cases, and access to programs that will help and protect them while their cases are ongoing.<sup>119</sup> Saskatchewan and British Columbia have victim services specific to Indigenous people.<sup>120</sup> In other provinces, First Nations or community organizations have stepped in to help Indigenous victims of crime.<sup>121</sup> This year, Ontario began consulting on the needs of Indigenous communities to create specific victim services programming.<sup>122</sup>

**The need for more responsive, transparent, and accountable policing: investigations, prosecutions, and oversight.**

This theme covers the need for more immediate, proactive, and thorough investigations into Indigenous women's deaths and disappearances, the need for more effective prosecutions of the perpetrators of violence against Indigenous women and girls, and the need for more independent police oversight.

As will be discussed in more detail below, these recommendations do not appear to have been fully implemented.

*Sub-theme: the need for more immediate, proactive, and thorough investigations into*

*Indigenous women's and girls' deaths and disappearances.*

The RCMP has reviewed and updated its Missing Persons Strategy, developed a new Missing Persons Intake Form, and is starting up a mandatory course for officers who investigate missing persons. These are all measures intended to make sure police are more responsive to missing persons cases and that they collect better information from the start.<sup>123</sup>

Over the past several years, the RCMP and certain municipal police departments have created special investigative units focusing on missing and murdered women:

- The RCMP established Project KARE in Edmonton to review and investigate the deaths of vulnerable missing persons in the city. KARE has since grown and its reviews and investigations span the whole province. KARE's growth also led to the establishment of the RCMP's Missing Persons Unit in Alberta, the Alberta Missing Persons and Unidentified Human Remains initiative, and a specialized victim services coordinator. While these programs may help Indigenous women and girls, they do not specifically apply to them.<sup>124</sup>
- The RCMP and Winnipeg Police Service created Project Devote in Winnipeg to investigate unsolved missing persons and homicide cases that involved victims who fit certain "risk criteria." The project also includes a family liaison contact to inform family members of any developments in ongoing investigations.<sup>125</sup> Again, while this project may benefit the families of Indigenous women victims, it isn't a specific response to cases of missing and murdered Indigenous women.
- The RCMP established Project E-Pana in northern British Columbia to investigate unsolved disappearances and murders along the Highway of Tears.<sup>126</sup> Again, this initiative is not specific to Indigenous

women, although they make up many of the cases it reviews.

It's hard to assess just how well the police are implementing these recommendations, since many internal police policies are not made public. It's also difficult to assess how well these newly introduced policies are being followed by police officers on the ground.

However, the National Inquiry will continue to look into these initiatives and examine how effective they are at addressing systemic failures in the investigations into cases of missing and murdered Indigenous women and girls.

*Sub-theme: the need for more comprehensive and independent police oversight.*

These recommendations called for a simpler and clearer process for Indigenous women to launch complaints of misconduct against police officers without fear of retaliation. Recommendations also called for more civilian oversight of police, and for Indigenous people to be part of these police oversight bodies.

In 2007, BC commissioned a review of its police complaint processes. The report found that:

- the public did not generally know how to make a police complaint, and that outreach initiatives had failed to fix this problem;
- there was a lack of consistency between RCMP and municipal police oversight processes;
- the public was not generally confident in the oversight bodies that existed; and
- of the complaints that were investigated, one-fifth of those investigations did not meet reasonable quality standards.<sup>127</sup>

Whether or not BC has adopted or implemented these recommendations is unclear.

A more recent police oversight report found that Indigenous communities in northern Ontario often couldn't make a police complaint due to their remoteness and language barriers

(complaints processes are often unavailable in Indigenous languages). It also found that Indigenous communities did not generally have confidence in existing oversight mechanisms and were afraid that the Ontario Provincial Police (OPP) would retaliate if they launched police complaints. Finally, it noted a jurisdictional gap in the province's legislation that effectively exempted First Nations constables from being accountable to any oversight bodies at all.<sup>128</sup>

COMMUNITIES IN NORTHERN ONTARIO OFTEN COULDN'T MAKE A POLICE COMPLAINT DUE TO THEIR REMOTENESS AND LANGUAGE BARRIERS.

A review of policing in the Yukon made similar findings. It included recommendations on what people could do if they were mistreated by the police. The review also recommended involving more civilians in police oversight bodies, to better ensure their independence, and that reviews of RCMP conduct always be undertaken by non-RCMP bodies.<sup>129</sup> While no implementation updates are yet available for the Ontario report, the last partial implementation update for the Yukon report was publicly released in 2012.<sup>130</sup>

### **The need for properly resourced and accessible community and restorative justice measures.**

This does not appear to have been fully implemented. While community justice initiatives have increased since the *Gladue* decision,<sup>131</sup> many programs are underfunded<sup>132</sup> and in certain cases are too restrictive to properly reflect Indigenous understandings of justice.<sup>133</sup>

## PRELIMINARY CONCLUSIONS

If they are serious about ending violence against Indigenous women and girls, political jurisdictions will have to improve their ability to work together. Over half of the 1,200 recommendations in existing reports either specifically call for better interjurisdictional cooperation among federal, provincial, and territorial governments, or apply jointly to federal, provincial, and territorial governments (meaning these jurisdictions would have to cooperate with each other).

Collaboration and coordination between Canadian and Indigenous governments is just as important. Several recommendations include action items for Indigenous governments, or for Indigenous governments together with Canadian federal, provincial, and territorial governments.

Interjurisdictional cooperation is essential to fully implement recommendations concerning:

- national action plans and strategies to address violence against Indigenous women;
- national awareness campaigns;
- policing in areas where provinces have contracted the RCMP;
- greater cooperation between police departments on interjurisdictional investigations;
- better data collection and sharing by police departments across jurisdictions; and
- child welfare—especially fully implementing Jordan's Principle.

On top of this, entering into international treaties involves interjurisdictional negotiation, and fulfilling international human rights obligations requires all jurisdictions to meet certain minimum standards, or “due diligence.”

In terms of knowledge gaps, it's important to note that few of these reports address Métis and LGBTQ2S people explicitly. Several reports refer to "Aboriginal" women, explaining that they include Métis, First Nations, and Inuit women. However, these reports don't tend to discuss challenges or experiences that are unique to Métis people.

Métis women and girls clearly experience more violence than do non-Indigenous women and girls in Canada, and pervasive racist and sexist stereotypes, as well as poorer socio-economic conditions, make them more vulnerable to violence. Without a more detailed assessment of the unique challenges Métis women and girls face, these reports' recommendations will not be as effective for them.<sup>134</sup> This is a knowledge gap that will need to be filled in order for the National Inquiry to make specific recommendations concerning the safety of Métis women and girls.

MÉTIS WOMEN AND GIRLS  
CLEARLY EXPERIENCE  
MORE VIOLENCE THAN DO  
NON-INDIGENOUS  
WOMEN AND GIRLS.

Violence against Indigenous people who are LGBTQ or Two-Spirit is also understudied. These communities have been noticeably marginalized in the literature we reviewed, even with evidence that Indigenous LGBTQ2S people experience especially high rates of violence due to high rates of homelessness, homophobic and transphobic biases in the health care system, and a lack of expertise in LGBTQ services for Two-Spirit and other Indigenous gender or sexual minorities.<sup>135</sup> More research going forward will help us make specific findings and recommendations to end violence against Indigenous LGBTQ2S people.

## THE INEQUALITIES THAT UNDERLIE THIS VIOLENCE STILL EXIST.

Generally, most progress on existing recommendations has been around:

- governments' commitments to prioritizing efforts to address violence against Indigenous women and girls;
- governments' commitments to fully cooperate with the current National Inquiry; and
- governments' promises to institute a national awareness campaign.

While these declarations are important first steps in ending the disproportionate violence experienced by Indigenous women, girls, and LGBTQ2S people, they won't end this violence by themselves. They will be proven to be disingenuous if they are not accompanied by meaningful action.

There is little public evidence to be found of more substantial action on implementing these several decades' worth of recommendations. Perhaps one of the starkest examples of this inaction is the repeated calls, over the course of more than a decade, for better public transportation along the Highway of Tears. Limited public bus service along a small portion of the highway became operational only in 2017,<sup>136</sup> and now Greyhound is applying to drop its routes along Highway 16.<sup>137</sup> No short-term shuttle buses or any other interim measures have been taken to protect Indigenous women's safety until such time as the entire highway has public transit service.

Insufficient government funding continues to be a major roadblock to implementing many of these recommendations. Even should adequate funding become available, the way it is provided can reinforce colonial, paternalistic

relationships between Indigenous Peoples and Canadian governments, rather than supporting Indigenous Peoples' self-determination.

Efforts to address the root causes of disproportionate violence against Indigenous women and girls have been stunted for decades by budget cuts and funding caps. While the last two years may signal a change in federal attitudes toward this spending, we can't say the same of all provinces. Despite numerous recommendations, made over several decades, to address root causes of violence against Indigenous women and girls, few have been implemented, and the inequalities that underlie this violence still exist.

REAL PARTNERSHIPS THAT RESPECT INDIGENOUS SELF-DETERMINATION WILL BE CRUCIAL TO THE IMPLEMENTATION OF THESE RECOMMENDATIONS.

Certain initiatives to improve policing practices, as well as court diversion programs and justice programming, are also stunted by insufficient funding. This deficiency exacerbates rather than improves the unresponsiveness of the justice system to the needs of Indigenous women, girls, and LGBTQ2S people.

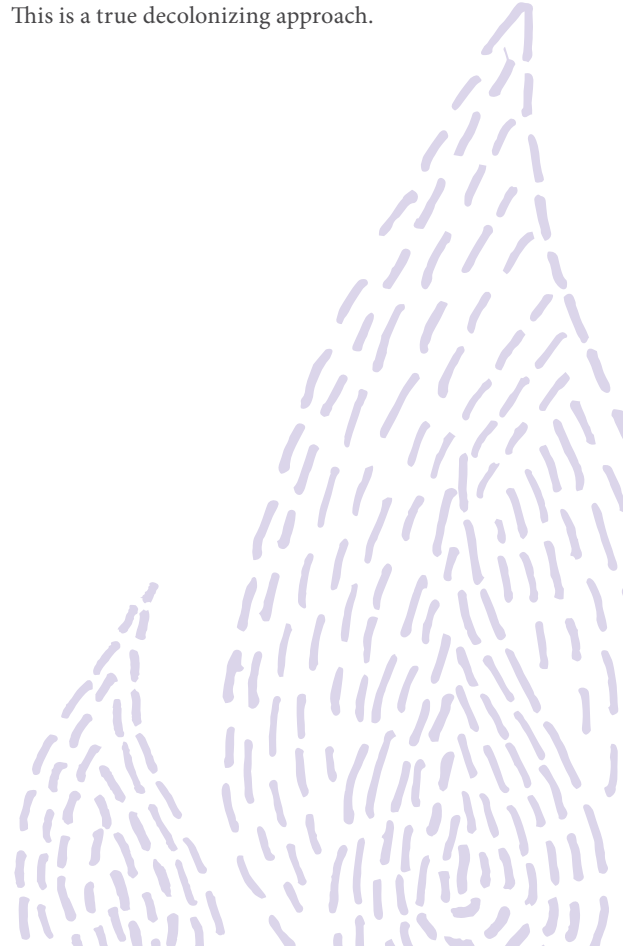
There may have been some progress in implementing recommendations on improving relationships between the RCMP and Indigenous people, at least at the policy level. However, it is difficult to assess whether these initiatives are truly working or not. Importantly, there appears to be little movement in implementing recommendations that would increase police oversight (in the RCMP as well as in provincial police forces) and independent mechanisms to address police misconduct, including towards Indigenous women, girls, and LGBTQ2S people. We will continue to look into these issues, especially during future meetings with survivors, family members, and front-line

workers, as well as in the Institutional Hearings with police representatives.


Finally, the overrepresentation of Indigenous women in the justice system has been a concern for decades. It figures prominently in previous reports' recommendations. However, in many provinces and territories this issue appears to be getting worse.

Going forward, we will continue to examine—building on past work—persisting impediments to justice for Indigenous women, girls, and LGBTQ2S people.

Real partnerships that respect Indigenous self-determination will be crucial to the implementation of these recommendations. The National Inquiry believes that all recommendations aimed at ending violence and keeping Indigenous women, girls, and LGBTQ2S people safe must recognize the inherent jurisdictions of Indigenous Peoples and include proper resourcing of solutions from Indigenous communities and Nations. This is a true decolonizing approach.







*“One of my blessings [is] my mom. She’s a storyteller. Like, you wouldn’t know it to speak to her unless you’re beading with her or working on regalia or going for a drive or sitting around a campfire, but she tells stories and she tells them well. And so through her eyes I’ve been able to see some things about my own people.”*

HEATHER ALLEN, FAMILY TO BARBARA JACK, WHO WENT MISSING IN THE EARLY 1970S. HER REMAINS WERE LATER FOUND ON GREY MOUNTAIN. FROM THE NATIONAL INQUIRY’S COMMUNITY HEARING IN WHITEHORSE, JUNE 1, 2017.

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## CHAPTER 4

# Our Story UNFOLDS

## THE TRUTH-GATHERING PROCESS

As a federal public inquiry, the National Inquiry is mandated to hold public and private (“in camera”) hearings across Canada. The goal is to gather information (through witness testimony, independent research and subpoenaed evidence), to produce findings of fact, and to make recommendations on the issues set out in its Terms of Reference. This process is rooted in Western law.

Because we are working to decolonize the National Inquiry process itself, we have changed the traditional hearing process to one that better reflects Indigenous laws. To differentiate this new format from that of previous inquiries, we have called it the “Truth-Gathering Process.”

The Truth-Gathering Process encompasses three phases of the National Inquiry, as outlined in the National Inquiry’s *The Legal Path: Rules of Respectful Practice*. It also encompasses how the National Inquiry is engaging with

individuals, families, survivors, communities, front-line workers, and local regional and national Indigenous organizations to receive advice and direction moving forward.

Part I (*Community Hearings*) will focus on the truth gatherings involving:

- family members of Indigenous women and girls who have suffered violence, or who have been murdered or are missing;
- Indigenous female survivors of violence; and
- members of Indigenous communities of those family members and/or survivors of violence on the matters defined by our mandate, including the systemic causes of all forms of violence experienced by Indigenous women and girls.

Part I will also hear evidence on practices and policies that:

- have contributed to, or helped reduce, Indigenous women and girls’

vulnerability to violence, or have made them safer; and

- suggest ways to honour and commemorate the lives of those we've lost.

Part II (*Institutional Hearings*) of the National Inquiry will focus on truth gatherings by hearing from grassroots organizations, Indigenous and non-Indigenous institutions, governments, police authorities, child welfare authorities, and others. These truth gatherings will focus on important subjects such as police investigation practices, child welfare models and applications, sexual assault prevention and response strategies, community empowerment, and institutional forms of violence, including systemic racism. These truth gatherings will seek to expose the underlying causes of systemic violence and reveal strategies and practices that have been successful in reducing the incidence of violence or responding to violence experienced by Indigenous women and girls.

Part III (*Expert Hearings*) of the National Inquiry will hear from experts who have opinions, observations, and analysis concerning the underlying systemic causes of violence experienced by Indigenous women and girls. We will also hear about the role institutions and their practices play in either reducing or responding to the incidence of violence or, conversely, contributing to the ongoing systemic causes of violence. These truth gatherings will seek to gather knowledge from a broad range of experts including those who have direct experience within and concerning the institutions as they relate to systemic causes of violence, and those who have studied the institutions.

We recognize that the term “hearing” is a Western legal one, which may re-traumatize some family members and survivors who have had negative interactions with the legal system. However, the idea of a hearing is familiar to many people who have participated in past processes such as the AJI, RCAP and TRC.

By framing our hearings as part of a larger Truth-Gathering Process, we are adopting an Indigenous conceptualization of gathering

multiple truths.<sup>1</sup> This approach is different than “truth finding,” which seeks a conclusion based on a single truth. The National Inquiry recognizes that there are multiple truths that need to be shared, not one absolute truth. It is our hope that this will create opportunities for families who have lost loved ones and survivors of violence to share their stories in a culturally safe and trauma-informed way.

In our process, no form of truth gathering is more important than, or outweighs, any other.

## COMMUNITY HEARINGS

Because of our families-first approach, we are starting the hearing process with Community Hearings. Here we will hear from people who have experienced violence firsthand and know what will or won't help keep them safe.

The way we have structured these hearings reflects Indigenous understandings of stories in the oral tradition. By reframing our process as a “truth-gathering” rather than a “truth-finding” one, we have been able to create many different opportunities for people to share their experiences. People can publicly or privately share their story in front of one or more of the Commissioners at a Community Hearing. They can do this individually, as a family, or within a sharing circle. When giving a statement, the person sharing can choose to give the statement privately (only the Commissioners, parties with standing, and Inquiry staff will see it) or give permission for their story to be shared with the larger public. Any safety or privacy concerns will be discussed with the Legal Team in advance. This may be the safest and most comfortable option for people who do not want public attention, or who would prefer to share their truth in their own home communities.

Statement takers will also travel to communities to meet with Indigenous women, girls, and LGBTQ2S people in prison, living on the street, working in the sex trade, or people who have otherwise been separated from their communities, and so cannot easily (or safely) participate in the Community Hearings.

## WHAT IS “STANDING”?

In a public inquiry, having “standing” gives you the right to participate in different ways. This includes the right to attend events, ask questions of witnesses, request copies of public transcripts, and make closing statements to help shape the public inquiry’s findings and recommendations.

**FAMILY MEMBERS AND SURVIVORS DO NOT NEED STANDING TO PARTICIPATE IN THE COMMUNITY HEARINGS—ALL ARE WELCOME. YOU MAY ALSO PARTICIPATE IN THE FORM OF A STORY OR ART.**

Lastly, people may share their story through any form of artistic expression they choose, including visual art, music, song, poetry, film, or other. All artistic expressions gathered through this process will be documented according to the donor’s wishes and will become part of the National Inquiry’s Legacy Archive.

All of these forms of truth-sharing are considered “evidence” and will inform the Commissioners’ final recommendations and findings of fact.

Ceremony has been incorporated into the Truth-Gathering Process, and we will decide where to hold Community Hearings with a view to Indigenous values.

We will continue to set up Community Hearing spaces in safe ways that are culturally recognizable to Indigenous people. Participants will sit in a circle, with Commissioners on one side of the circle, facing family members, and with no table or barriers between them. This set-up is significantly different to the one used in a Western courtroom. Part of our trauma-informed practice is to encourage participants to have support people with them during their sharing. Support people may be other family members or friends, counsellors, or Elders.

When providing testimony to the Commissioners (or statement takers), everyone will be given the choice to provide their oath, or promise that they will share honestly, in the way that is appropriate to them. Options include swearing on a Bible, providing an affirmation, using an eagle feather to make a commitment to truth sharing, or any process that is appropriate to the person, region, Nation, or territory. The Commissioners may also hear from someone not under oath or affirmation if they determine that this is consistent with a trauma-informed process.

The Commissioners will also solemnly affirm to listen with an open heart, an open mind, and free from prejudice. This has been named the LaDue Oath, after family member Shaun LaDue, who first introduced it at the Community Hearing in Whitehorse.

We honour and respect these stories as sacred. There is no cross-examination for families and survivors as there would be in other public inquiries or in a courtroom. This is not only part of a decolonizing approach, but also foundational to a trauma-informed approach that seeks to do no further harm.

We have ten Community Hearings planned for this year, ending in December 2017. In early 2018 we will continue to hold hearings in a variety of locations where we are welcome, including rural and remote communities.

## INSTITUTIONAL HEARINGS

Institutional hearings will start in early 2018. They are called “institutional” because this is where we will be inquiring into the systemic causes of institutionalized violence, and the policies and practices that could keep women and girls safe.

We will examine policing practices and relationships with Indigenous communities and hear from coroners, Crown and public prosecutors, child welfare agencies, health authorities, school boards, and others. The National Inquiry will also hear from grassroots and community organizations (both Indigenous and non-Indigenous) on their knowledge and on-the-ground experience with the colonial policies that still shape so many women’s lives. To do justice to the women warriors who have called for this Inquiry for decades, we must listen to the people who have been working on the front lines to produce concrete solutions to end violence and help Indigenous women reclaim their power and place.

These hearings will still involve witnesses sharing with the Commissioners, but there may be some respectful questioning allowed under *The Legal Path*, including from parties with standing.

## EXPERT HEARINGS

We are holding a series of Expert Hearings on key topics that will inform the work of the National Inquiry. These are also public education opportunities for all Canadians.

Instead of valuing only Western definitions of “experts,” we will bring together Elders and Knowledge Keepers alongside academics, legal experts, front-line workers, young people, specialists, and others.

The format of these hearings will be flexible. They will include circles, public panel presentations, and individual opinions and recommendations. National Inquiry lawyers and parties with standing will be able to ask questions of the experts (“cross-examine” them) to get their recommendations on how the Inquiry can best use the knowledge they’re sharing, and how it affects systemic causes and possible solutions to violence against Indigenous women and girls. There may also be workshops or circles to discuss key concepts with Grandmothers, Elders, Commissioners, and parties with standing in the presence of family members and survivors.

These Expert Hearings are meant to help the National Inquiry get specific information on complex issues that will help shape the National Inquiry’s research, findings, and recommendations. They are also an opportunity for survivors and family members to learn more about how their experiences and the experiences of their loved ones fit into the bigger picture of an abusive colonial relationship.

Expert Hearings on Indigenous laws, decolonizing perspectives, human rights, international law, and the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) will provide the framework pieces that will help inform the National Inquiry’s analysis and reasoning. Indigenous laws and human rights are essential to our work. They help inform our decolonizing, gendered, culturally specific, and rights-based approach. Their expertise will add to the foundation created by









previous inquiries and reports by providing more of the theory and principles that will guide the National Inquiry's research, findings, and final recommendations. Expert hearings are underway and will continue into 2018.

## STANDING

We have granted standing to persons or groups who have demonstrated that they have a substantial and direct interest in the subject matter of the National Inquiry, according to the Terms of Reference.<sup>2</sup> We have also granted standing to parties who do not have a direct and substantial interest in the subject matter of the National Inquiry, but who represent distinct interests, and whose expertise and perspective will be essential for the National Inquiry to fulfill its mandate.

Standing has been granted on a regional and/or national basis, as defined by *The Legal Path: Rules of Respectful Practice*. While everyone is welcome to attend the public National Inquiry events, for those parties granted funding, they are able to hire lawyers to represent them in non-witness roles before the Commissioners such as exercising the right to ask questions, where permitted, of witnesses. Parties who do not wish to hire lawyers can exercise these rights without lawyers. There are two categories of standing: National and Regional. National standing entitles parties to attend and exercise rights at truth gatherings which are national in scope, whereas regional standing entitles parties to attend and exercise rights at truth gatherings which are regional in scope. For example, most Part I Community Hearings will be regional because they only hear from families and survivors from that particular region, whereas many Expert Hearings will be national because the experts will come from across the country and will be addressing issues which are national in scope. Only those parties who demonstrated financial need were granted funding.

PHOTO: The National Inquiry's red willow basket.

## RESPECTING PROTOCOLS, SYMBOLS, AND CEREMONIES

### The red willow basket

The National Inquiry will include the Miskwaabimaag Basket (red willow basket) at each of the hearings to symbolize the process of gathering truths.

For many Indigenous people throughout the world, baskets are used to gather things that support *mino-biimaadziwin* (the good life of all beings, according to Anishinaabe teachings). They are a commonly used Indigenous symbol for "gathering."

A red willow basket represents *kwe* (women); it symbolizes our continued connection to land, language, and culture through the ceremonies and teachings of our Grandmothers or Elders. It is a visible reminder of women's important role in building, strengthening, and repairing relationships as part of the reconciliation process. As the National Inquiry undertakes its work, the basket will hold all the truths that we gather. These stories are teachings that will help us learn to work together towards a collective good life.

The National Inquiry's red willow basket was created by a group of Indigenous *kwe* (women) in Manitoba, called the Miskwaa-biimaag collective (red willow collective). They gifted this basket to the National Inquiry to help us honour the stories of loved ones, families, and survivors of violence.

Other baskets, gathering, or carrying vessels may be gifted to the National Inquiry to represent specific regions and Nations that will be part of the Truth-Gathering Process.

### The qulliq

Another ceremonial item we have incorporated into the Truth-Gathering Process is the *qulliq* (Inuit lamp). It symbolizes Inuit women's strength, care, and love.

The *qulliq* represents the light and warmth provided at the hearth. The Inuit woman's

lamp is made for her by her husband. Then, as the owner, she becomes the flame keeper.

The soapstone lamp is shaped in a half-moon to hold oil for burning. The oil is poured in, and then a mix of Arctic cotton (*suputi*) and moss (*maniq*) is delicately placed along the groove. This wick then absorbs the oil and can be lit. Once lit, the wick burns slowly. It should be tended to occasionally with a hook-shaped tool, the *taqquti*. Inuit women have sewed by it and made warm clothes for their families. They have cooked by it, dried wet clothes, melted ice, boiled water, and created warmth and energy by always tending to its light.<sup>3</sup>

We will light the *qulliq* at each Community Hearing, and at other times when it is appropriate for Inuit participants. We hope it will shine light into the survivors' and families' journey forward.

### The gifts

The National Inquiry will provide gifts of reciprocity to those who participate in the Truth-Gathering Process. This gift giving symbolizes the relationship we hope to maintain between the National Inquiry and the people who share their truth with us.

In many Indigenous cultures, gift giving and reciprocity are important elements for building and maintaining good relationships. Reciprocity acknowledges a mutual exchange of benefits or privileges. This exchange is expressed through the act of exchanging gifts. The stories people share with us are gifts that will meaningfully help the National Inquiry. They should be acknowledged, respected, and treated as such.

Indigenous Peoples continue to use gift giving in ceremony to mark important events, redistribute material wealth, and honour social, economic, and political relationships. Gift giving should not be understood in monetary terms. It is an honour to share what one has, just as it's an honour to receive.

## NOTE FROM THE GIFT OF SEEDS

"IN SO MANY OF OUR CULTURES, GIVING AND RECEIVING GIFTS IS KEY TO BUILDING A GOOD RELATIONSHIP. IT IS AN HONOUR TO SHARE THESE SEEDS WITH YOU, JUST AS IT IS AN HONOUR TO RECEIVE THE KNOWLEDGE YOU'VE SHARED WITH US TODAY.

WE HOPE OUR RELATIONSHIP WILL CONTINUE ALONGSIDE THESE SEEDS, SO PLEASE STAY IN TOUCH! IF YOU WOULD LIKE TO SHARE PHOTOS OR STORIES OF THESE SEEDS AS THEY GROW, PLEASE SEND THEM TO [SENIOR ARCHIVIST] PETRA TURCOTTE AT P.TURCOTTE@MMIWG-FFADA.CA. IN THIS WAY, WE CAN CONTINUE TO GIVE LIFE TO THE TRUTH."

From the note that accompanies each National Inquiry gift of seeds.



As a decolonizing practice, gifting honours Indigenous worldviews, knowledges, histories, and experiences. When we follow these practices as part of the Truth-Gathering Process, we demonstrate that the National Inquiry values the knowledge being shared and that we will treat that knowledge as sacred.

Gift giving is also a demonstration of resistance and resurgence. Historically, colonial agents did not understand Indigenous gift-giving practices and placed little value on gifting. In attempts to assimilate Indigenous Peoples, the Canadian state passed legislation restricting the practice. Nevertheless, Indigenous Peoples have continued to acknowledge the importance of reciprocity and have maintained gift-giving practices.

Gifting should also be viewed as part of the trauma-informed process. It acknowledges a person's time and experience. It lets people know that they have been heard, and allows them to use that knowledge to work towards healing. It honours the relationship between them and the National Inquiry, so that people can feel culturally strong, supported, and safe.

For Inuit, the National Inquiry is gifting *suputi* (Arctic cotton) and *mamaittuquti* (Labrador tea).<sup>4</sup> *Suputi* keeps the *qulliq* lit, and *mamaittuquti* can be enjoyed anytime, but has traditionally been used as a remedy for colds and stomach pains.

Our gift for Métis and First Nations participants is seeds. In the same way that we hope this is just the beginning of an ongoing relationship with the National Inquiry, we hope these seeds will take root and grow. It is our hope that families and survivors, if they wish, will keep us informed on how the seeds are growing through pictures, social media, and in-person conversations.

We have chosen different types of seeds to gift, depending on the region: Strawberry, White Sage, Blue Aster, Forget-me-nots, Fireweed and White Yarrow. Strawberries were chosen because many Indigenous groups associate the strawberry with women's teachings. White sage is one of the sacred Indigenous

medicines, and White Yarrow is known as a good women's medicine, traditionally been used by Indigenous Peoples throughout North America. We added in wildflowers: Blue Aster, Forget-me-nots and the brilliant Fireweed, which is the first to grow in a burned area—a powerful symbol of healing and rebirth.<sup>5</sup>

## OPENING THE PROCESS

Many of our National Inquiry-specific approaches, as well as our challenges, were in evidence in the first Community Hearing.

The Community Hearing in Whitehorse, from May 29 to June 1, 2017, allowed us to accomplish several key goals: it gave families and survivors a platform to share their stories, it allowed us to share those stories (as directed) with others across Canada, and it opened the Truth-Gathering Process.

The family members and survivors who shared in Whitehorse hold a special place in the National Inquiry. They went first, which is both an honour and a challenge. *Gwànaschis, mási, gù-nèchish, mási, gunalchish, máhsi, màhsi, tsin'ii choh, qujanainni*, to everyone who participated.

We were able to honour local protocols and ceremony by opening the hearing with a potlatch feast and songs of healing and spiritual prayer.<sup>6</sup> Originally, the hearings were to be held at Yukon College, but the venue's roof had structural problems. What might have been a disappointment turned out to be a blessing: we held the hearings instead in tents at the Kwanlin Dün Cultural Centre, on the traditional land of the Taa'an Kwächän and the Kwanlin Dün Nations. Many families, supporters, and staff told us that being by the river with a sacred fire nearby was both soothing and healing. We already knew that ceremony was critical to this Truth-Gathering Process, but our experience in Whitehorse confirmed this teaching.

The stories we heard in Whitehorse also began to confirm key research themes we had identified earlier, including:



- the intergenerational legacy of residential schools, including self-harm;
- police authorities' attitudes towards family members of missing and murdered women and girls;
- the role of new practices being implemented by the police to improve this relationship; and
- the lack of, or denial of, supports for women, girls, and LGBTQ2S people close to their own communities.

There were challenges as well. One of the biggest was de-centring Western and Canadian concepts of law and re-centring Indigenous ones. Some issues, such as how we handled exhibits, were addressed almost immediately. However, there were still difficulties around balancing the rights of parties with standing with privacy interests and the swearing of oaths.

Other roadblocks remain. As we write the Interim Report, the software we need to do in-depth analyses of the Community Hearing transcripts is not yet in place. However, we will continue engaging in this work for the Final Report.

Some key voices were not as present as they had been in advisory meetings and community visits. These were the voices of front-line workers and grassroots organizers, those who see, on the ground, how these issues affect women and girls every day. Many of them attended the hearing or shared their stories in their capacity as family members or survivors. But they did not share their experiences and solutions as front-line workers, in order to keep their stories separate from those of survivors and family members.

While front-line and institutional work will be part of the Institutional Hearings, there may have been missed opportunities to hear about some community best practices at

## PREPARING THE SACRED TOBACCO

In the days before the Community Hearing in Whitehorse, Gwich'in Elder Randall Tetlichli led sweat lodge ceremonies for the National Inquiry and two other groups sharing the sacred fire.

**WE BROUGHT PRINTS (CLOTH) AND TOBACCO, WHICH WAS USED TO CREATE TOBACCO OFFERINGS FOR THE HEARING. THE TOBACCO WOULD BE PROPERLY PRAYED OVER IN FOUR ROUNDS.**

The first round was thanking the Creator through gifts and prayer. Here we also stated our intention. The second round was for helping others (all people need to do good work, and accept all people regardless of their weaknesses). The third round was praying for families experiencing loss (the families attending the hearings, and the families of staff), people with addictions, mental health, and other health issues. The fourth round was about praying for ourselves so that we can help our families and others and show gratitude to the Creator and grandparents. The cloth and tobacco was then hand wrapped into small navy and white tobacco ties—navy to represent the missing and white to represent those murdered. Throughout the hearing, traditional fire keepers showed people how to make a tobacco offering in memory of someone they loved.

PHOTO: The Kwanlin Dün Cultural Centre, site of the Inquiry's Whitehorse Community Hearing, May 29–June 1, 2017.

KWANLIN DUN CULTURAL CENTRE



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the Community Hearing in Whitehorse. For example, some initiatives in the Yukon include land-based healing and treatment programs, Indigenous-led child and family welfare programs, and community efforts that, in one First Nation, have reduced calls to police by 40% in one year.<sup>7</sup>

We recognize that for many front-line workers, their life experience is the reason they do the work they do. For this reason, the hard line between family members and front-line workers is, in many ways, a false one.

Every Community Hearing we've held teaches us more about how to do this work in the best possible way. We will keep these lessons in mind moving forward.

## THE PATHS OF INQUIRY

### RESEARCH PLAN AND THE PATHS OF INQUIRY

The Truth-Gathering Process itself will be integral to the National Inquiry's research. As the hearings unfold, we will engage with families, survivors, Indigenous women's organizations, governments, and institutions on systemic issues and solutions, commemoration, and public education. We will supplement what we learn through this process with new research, based on the key themes and knowledge gaps identified through the pre-Inquiry engagement process, by our partners, and from our review of previous reports.

We determined that our research should use a decolonizing, culturally specific, gendered, and rights-based approach. We will pay special attention to solutions offered by people working on the ground, many of whom are family members and survivors themselves. We will move the national conversation forward by centring

Indigenous women's perspectives as holders of inherent, Treaty-based, and human rights, and by adopting a decolonizing, trauma-informed, and families-first approach. This is outlined in our research plan, available online.

Our more detailed research strategy, called the *Paths of Inquiry*, sets out our future research goals based on our review of the pre-Inquiry process, the National Inquiry's advisory meetings, academic literature, and existing reports. In these we found significant knowledge gaps that require new research.

For example, many previous studies are First Nations-specific and do not reflect the experiences of Inuit and Métis women and girls, or LGBTQ2S people. There is also much more work to be done around violence against Indigenous women and girls in Québec—and especially, research conducted and communicated *en français*. Too often, the English/French language barrier prevents a national project from truly including or reflecting the Québec or francophone experience (for example, this was an acknowledged limitation in both NWAC's *What Their Stories Tell Us* report and Dr. Maryanne Pearce's dissertation database). As well, since so many reports on violence are published only in English, there are a lot fewer communication opportunities to engage French-speaking Indigenous women and girls and the general francophone-Canadian public on this issue. These are critical gaps, and they need to be addressed.

We will continue to review academic literature and address other gaps with new research on effective, community-driven solutions, and best practices for mitigating and eliminating violence. Many Indigenous communities are doing good work close to home but lack a national platform to share these success stories with other Nations across the country.

There are critical emerging issues—for example, self-harm (including youth suicides), online harassment and exploitation, human trafficking, and gangs. There is an urgent need to learn more about existing Indigenous-centred

PHOTO: The red willow basket, the *qulliq* (Inuit lamp), and quilt at the National Inquiry's Whitehorse Community Hearing, May 29–June 1, 2017.



solutions and traditional knowledge, to help Indigenous women and girls reclaim their power and place. With a particular focus on Indigenous women and girls, we will undertake new research in the areas of Indigenous law and governance that are key to self-determination and to restoring Indigenous women's, girls', and LGBTQ2S people's rightful place in Indigenous political, economic, cultural, and social life and in Canadian society. This includes knowing more about Indigenous concepts of well-being, family and kinship, understandings of gender/sexual orientation, and land-based ways of life. We need to do more to hold up examples of Indigenous women's resistance for new generations to learn from. Addressing these gaps will help our vision of the future come to life.

*The Paths of Inquiry* is available on our website. We invite your feedback as to how we can ensure that it remains relevant to the present-day experiences of Indigenous women, girls, and LGBTQ2S people.

## ETHICS AND CONSENT

To be trauma informed, decolonizing, and families first, we must pay as much attention to *how* we conduct research as to what we research.

Our research framework is rooted in Indigenous ethics policies, including the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), Tri-Council Guidelines (a joint policy from Canada's three federal research agencies), and RCAP ethical research guidelines. In particular, we will follow the principles of free, prior, and informed consent (FPIC) and the First Nations Information Governance Committee's principles of OCAP™: Ownership, Control, Access, and Possession.<sup>8</sup>

Applying these guidelines to the National Inquiry means that we will respect Indigenous worldviews, jurisdiction, and collective rights, while incorporating local and traditional knowledge into our research processes. We will include Indigenous analysis and perspectives while limiting misinterpretation

stemming from non-Indigenous cultural frameworks. This kind of respectful research builds relationships of trust.

We will make sure our research reflects the best interests of Indigenous Peoples as articulated by Indigenous Peoples themselves: this means respecting the privacy, protocols, dignity, and individual and collective rights of Indigenous Peoples, including for sharing information. It is important that Indigenous Peoples are informed and updated with sufficient information. It is also important that they have access to all information we gather at the conclusion of our work. We know this has been a challenge for us, but we are committing to better meeting these challenges in the future.

## COMMEMORATION, ART, AND EDUCATION

Commemoration, art, and education are all essential parts of truth gathering, healing, and reconciliation.

Art is a powerful tool for commemoration. It can send a message of hope or loss, resilience or reconciliation. It can be an instrument that shares truth and knowledge with a wide audience. An artist can create art as a means of healing from traumatic experiences, or as a way to inspire action. Most powerfully, art provides a platform for voices that may not get an opportunity to share their stories elsewhere. Public commemorations, through art, can help bring forward the personal stories that show colonial violence. They bear witness to injustice, recognize the human dignity of victims and survivors, and call Canada to account.

The National Inquiry has adopted the TRC's guiding principles on commemoration as we develop and implement our own commemoration initiatives. They were:

- Survivors should be active participants who can advise and make recommendations on projects;



- Projects should strengthen family and community memory and make the history and legacy of residential schools a part of Canada's history; and
- Projects should support Indigenous peoples' healing as they reclaim their identities and revitalize their land-based cultures.<sup>9</sup>

We will continue to work with families, survivors, organizations, and governments on future plans to honour and commemorate Indigenous women, girls, and LGBTQ2S people who have been lost to violence.

## DOCUMENTING PUBLIC INFORMATION AND COMMEMORATION

Many people and organizations, especially those with family members of women and girls who have gone missing or been lost to violence, have already created a rich legacy of commemorative resources. The National Inquiry has been compiling a master list of resources related to missing and murdered Indigenous women, girls, and LGBTQ2S people as an easy-to-find education opportunity for the public.

These sources include: literature, media, grassroots organizations, activism, academic publications, archives in Canada, government documents, legal documents, published reports and studies, blogs, websites, and art projects. This resource hub is available on the National Inquiry's website.

## ART AND THE LEGACY ARCHIVE

One of our goals is to make sure all forms of sharing knowledge have a place in the National Inquiry. We recognize that art is a permanent record that shares the truth about, and raises awareness of, violence against Indigenous women and girls.

We have put out a call for artistic expressions as evidence within the Truth-Gathering Process, and these will be given the same weight and

consideration in our deliberations as public testimony in front of the Commissioners.

Artistic expression can take the form of visual, audio, written material, or performative art. This can include (but is not limited to) paintings, sculptures, drawings, photographs, ceramics, films, quilts, baskets, music, dance, theatre, and poetry. These may also include ceremonial or spiritual objects, which we will house following Indigenous protocols for collecting, describing, and use. People may choose to make a donation at one of the Community Hearings, while we are physically there to receive it, but this is not required. Any form of artistic expression can be sent in to the National Inquiry at any time. (Please see Appendix C.)

We are establishing an Indigenous-centred Legacy Archive to gather and safeguard these gifts. This art is an excellent source of information, providing insights that are unavailable in written documents and reports. If the donor approves, their art will be used as a historical record for researchers, professionals, and educators to continue educating the public. This art will also document the resilience and resurgence of Indigenous women and girls. This approach promotes a more personal relationship between the art and the audience, one that evokes an emotional and empathetic response.

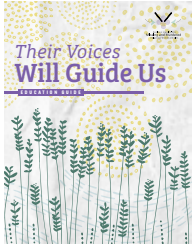
Through the Legacy Archive, we are creating opportunities for these artistic expressions to be used in the future for physical and digital exhibits, reports and studies, film and documentaries, academic articles and books, or to be forwarded to third parties for use in news articles. Again, all this will only be done with the free, prior, and informed consent of the person donating the art. The Legacy Archive will ensure that the art and sacred objects are part of a living, breathing approach to the work of the National Inquiry. It will remain accessible after the National Inquiry is complete.

We hope that this archive will be a true partnership between Indigenous women and girls and the broader community. The creation and operation of the Legacy Archive

will be guided by an advisory group of experts and Knowledge Keepers, as well as those who are producing and/or donating the art and objects. The advisory group will include a Grandmother, an Indigenous artist, an archivist, and a visual anthropologist.

The Legacy Archive will also adhere to articles from UNDRIP, Calls to Action from the TRC, and best practices when dealing with Indigenous materials for the archive. (See Appendix D for a full list of implementations and Indigenous protocols that the Legacy Archive has included in its Policy and Procedures.)

## ENGAGING, EDUCATING, AND LEARNING FROM OUR YOUTH



The National Inquiry is engaging children, youth, educators, parents, and education leaders in *Their Voices Will Guide Us*, an arts-based youth education initiative aimed at

changing the narrative and reality around how Indigenous women, girls, and LGBTQ2S people are treated. The project will examine historical and current perspectives of Indigenous women and girls in the broader Canadian society. Most importantly, it will help create positive social change based on messages to the public from children and young people themselves that will come out of this education process.

This initiative will be made up of online materials and resources, including an age-appropriate K–12 resource guide for teachers and education support workers.

Youth will be encouraged to use visual and performing arts, writing, and film to speak to the inherent strength, agency, and rights of Indigenous women and girls. Their projects will focus on everyone's responsibility to protect, respect, and honour them in our families, schools, and communities and national life.

These works will be received, curated, and included in the Legacy Archive as part of our public record. In this way, the voices of children and youth will help guide our findings and recommendations in the Final Report.

*Their Voices Will Guide Us* will be implemented over the 2017–18 school year. Young people's projects will be curated and shared as part of the Final Report of the National Inquiry, as well as other possible exhibitions.

## THE CHALLENGE OF DOING THINGS DIFFERENTLY

In this Interim Report, we have shared some of the ways in which we're trying to "do things differently." This work needs to be done with, for, and by Indigenous people. To accomplish this, we must continue to adopt an Indigenous, decolonizing, and community-recognized approach that includes Indigenous intellectual and legal traditions, worldviews, cultural practices, and protocols.

### Here are a few ways we are doing things differently:

1. We have chosen seven values to guide our work at the National Inquiry: honesty, openness, inclusivity, compassion, courage, fairness, and respect. These values guide every decision we make.
2. We interpret our mandate to be trauma informed, making sure both Indigenous and Western health supports are available for family members and survivors.
3. In examining the systemic issues faced by Indigenous women and girls, the National Inquiry acknowledges the resilience and resistance of Indigenous Peoples and recognizes the well-documented role of colonialism in oppressing, subjugating, and marginalizing Indigenous Peoples. One of the ways the National Inquiry has worked to combat this is

- by including LGBTQ2S people's unique perspectives in the National Inquiry's mandate. This respects what community members have called for, recognizes the traditional roles of Two-Spirit people in many Indigenous societies, and helps fill an important knowledge gap.
4. We regularly seek Elders' advice. We do this through the Commissioners' Grandmothers and through the hearings and community visits.
  5. We acknowledge and honour an inclusive Indigenous understanding of family. Colonial processes have interrupted many (but not all) Indigenous family and kinship systems, so we are creating space for "families of the heart."
  6. We are working with communities to overcome barriers that would prevent people from participating in the National Inquiry. This includes covering the costs of travel, accommodation, and child care.
  7. We are making significant efforts, and will continue to make those efforts, to build relationships with communities and organizations so that this work can be done in an inclusive way. This includes significant work from the Community Relations Team to use existing networks to reach out to people. It also includes significant efforts from the Health Team to collaborate with existing formal and informal health supports.
  8. We have adopted the language of "engagement" rather than "consultation" when we talk about working with Indigenous communities. The term "consultation" is often associated with the Crown's legal duty to consult, and in some Indigenous communities, "consultation" has taken on a negative connotation. We have chosen to use instead the word "engagement" because it articulates an ongoing process in which communities actively participate in a meaningful way. We want communities to have input into the design and implementation of a process throughout, rather than just at the beginning or end.
  9. We continue to seek direction from communities and organizations, the National and Regional Family Advisory Circles, other family members, and National Indigenous Organizations to help define the work of the National Inquiry, particularly the Truth-Gathering Process.
  10. We will continue to identify and follow culturally specific protocols when working with communities. We will ensure that we are welcome in communities before scheduling hearings and we will work with local people to determine what each hearing looks like.
  11. The National Inquiry's Truth-Gathering Process still uses a hearing format, but also allows families and survivors to share their stories in a culturally safe way, based on an Indigenous concept of gathering multiple truths.
  12. We recognize that our research can't be separated from the rest of the work we do. The work of the Truth-Gathering Process and the *Paths of Inquiry* is woven into a holistic decolonizing framework that that will continue to evolve over the lifetime of the National Inquiry.
  13. Blankets have been created with community members, including women in prison, with the direction of the Grandmothers. They will decorate and hold our hearing spaces, travelling with the National Inquiry throughout the Truth-Gathering Process.
  14. We are respecting protocols, symbols, and ceremonies. These include giving gifts of reciprocity, using the red willow basket, and lighting the *qulliq*. As much as possible, protocols, symbols, and ceremonies will be specific to the community we're in.

15. Rather than always expecting survivors and family members to come to meet with us, we are doing our best to meet with families in their communities. Likewise, statement takers will visit jails, institutions, and shelters to hear from women, survivors, and family members who can't otherwise be part of the Community Hearings.

There are also real challenges to doing our work in a decolonizing, trauma-informed, and families-first way.

It's important to recognize that projects like these are always more difficult at the start. However, public inquiries are deeply entrenched in Western systems. We've discovered that these bureaucratic systems are unable to respond quickly or flexibly to requirements based on Indigenous worldviews. This makes change difficult.

**Here are some of our most significant challenges:**


1. A public inquiry, as defined by Canadian law, must operate within certain limits. This is even harder when we must consider federal jurisdiction as well as the 13 territorial and provincial laws regarding public inquiries. We are also still attempting to recognize the jurisdiction of many different Indigenous legal systems, in addition to the 14 geo-political jurisdictions in Canada. This is one of our biggest challenges, and it will persist throughout the life of the National Inquiry.
2. During the pre-Inquiry process, the federal government did not get participants' consent to allow their contact information to be passed on to the National Inquiry. Federal government privacy laws mean that lists of families' and survivors' contact information remains with INAC. This has left families and survivors frustrated and confused about how to become a witness. We have undertaken a national media campaign to explain our process, but the confusion remains.
3. There were many start-up issues, delays, and obstacles in opening offices and hiring staff.
 

**Hiring** – On average it takes four months to hire new staff. We must also follow Privy Council Office's (PCO) requirement for security clearances. As a result, once the National Inquiry has decided to hire someone, it takes an average of five weeks for the security process to be complete before the National Inquiry can make a formal offer. This has seriously obstructed our ability to do our work in a timely way.

**Office set-up** – Federal government procurement and contracting policies resulted in up to eight months' delay before offices could be opened. Even then, offices opened without proper telephone, internet, and office equipment. There have been long delays to getting staff the federal government-provided phones and computers they need.
4. The National Inquiry must have a comprehensive legal case-management system in order to manage and analyze the hundreds of thousands of videos, transcripts, electronic documents, paper records, and artistic submissions it will generate and receive through the Truth-Gathering Process. We have collaborated with PCO to determine how to meet those needs with the right technology and support, while still staying within the limits of our financial resources and time. We now have a legal case-management system, which we will use to analyze the results of the hearings process. However, it is a complex system to acquire, set up, train staff on, and to create the right analysis codes for. This process was still underway at the time of drafting this report.
5. The National Inquiry has to adhere to the human resources, information technology and contracting rules that apply to all areas of the federal government. However,

- the federal government's procurement and contracting policies may, depending on the contract, require up to six to eight months to complete. This severely impacts the National Inquiry's ability to contract the people and services we need to achieve our mission.
6. Federal government procurement and contracting policies are not designed with the flexibility required to compensate Elders, Fire-keepers or cultural advisors in a timely fashion. These same policies have resulted in long delays of payments for services, travel and out-of-pocket expenses. These delays have discouraged Indigenous community members and organizations from formally working with the National Inquiry and has placed undue financial burdens on National Inquiry staff.
  7. We had hoped to work with established Indigenous organizations, coalitions, and NIOs to help us connect with family members, survivors, and communities across the country. These organizations have already spent many years building relationships of trust with people on the ground. However, they're already overstretched with limited budgets and staff time. Without additional funding, it wasn't fair to ask them to redirect their time and resources away from other projects to help us do our work.
  8. At the same time, the Family Information Liaison Units (FILUs) have also been slow to get started, and some provinces/territories do not have their FILUs set up yet. These units, paid for by the federal government, are supposed to help families get information about their missing or murdered loved one(s) from government sources (for example, police, corrections, child and family services, coroners, and health services). They are also meant to help family members access healing and wellness supports, including cultural supports, grief counselling, and trauma counselling. Not having the FILUs in place has put additional pressure on our Health, Community Relations, and Legal Teams to fill the gap.
  9. Our short timelines, as determined by the Terms of Reference, will limit our ability to do in-depth analysis of data collected through the Truth-Gathering Process. Once stories are shared, transcripts need to be produced. Transcription will cause some time delay before the Research and Legal Teams can access and analyze the materials. The lack of appropriate legal case-management and analysis software further slows this process down. Staff time and human resources limit the amount of original research we can undertake, while the short timelines limit the number of expert reports we can commission.
  10. In keeping with a decolonizing approach, we want to translate our reports and materials into as many Indigenous languages as possible. However, this is very expensive. To translate this Interim Report into one Indigenous language would cost over \$30,000. These costs were not included in the original budget given to the National Inquiry.
- Our first year at the National Inquiry has taught us many important lessons. The first is that we need to make stronger connections with families, survivors, and women's and Indigenous organizations, who are our key partners on the front line. Second, we must continue to learn about and centre Indigenous laws, principles, and traditions while balancing the legal requirements of the Canadian legal system. Third, we need to manage the limited time we have to examine all aspects of systemic violence against Indigenous women and girls while we build a better foundation for effective, community-based solutions.
- These are no small tasks. We ask for your support, patience, and insight as we move forward with these considerations in mind.





*“At my age, most of the women are second or third generation [residential school] survivors and that being taught, ‘don’t speak, don’t talk about anything’... They’re just lost. (...)*

*I was there. I was absolutely lost. I didn’t know who I was... But now today I’m very proud of who I am and I want other women to be proud of who they are too and you can get through it. You can get through anything. If I can do it, you can do it too.”*

GINA GILL, SURVIVOR AND ADVOCATE FOR INDIGENOUS WOMEN AND GIRLS. FROM THE COMMUNITY HEARING IN WHITEHORSE, JUNE 1, 2017

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## CHAPTER 5

# *Our Story* **CONTINUES**

### LOOKING TO THE FUTURE

Our vision is to see Indigenous women and girls restored to their rightful power and place. This is based on our guiding principle: that all Indigenous women and girls are sacred. We hope this vision can be a shared one, creating new paths for future generations.

Their future will be one where:

- There are policies, programs, and best practices in place to remove systemic causes of violence, and Indigenous families, particularly vulnerable children and youth, are receiving the supports they need to thrive;
- Missing and murdered Indigenous women and girls, including those who are Two-Spirit, lesbian, gay, heterosexual, bisexual, transgender, queer, or non-binary, and those with disabilities or special needs, are honoured and commemorated by their families, communities, Nations, and all Canadians at community, regional, and national levels;
- Families, survivors, loved ones, and their communities—including people who have acted violently themselves—are able to recognize the trauma they've been through, and are supported on their healing journey;
- Our stolen sisters have had their dignity and respect restored;
- Indigenous women's and girls' significant contributions to society are visible in Canada's national history and public education institutions;
- Indigenous women's and Two-Spirit people's authority, leadership, and decision-making rights and responsibilities are recognized, respected, and fully restored;
- Indigenous women's, girls', and LGBTQ2S people's rights to gender equity and freedom from violence are recognized as key to Indigenous self-determination;

- All Canadians learn about and understand the systemic causes and impacts of all forms of violence against Indigenous women and girls in Canada, including the underlying historical, political, social, economic, and institutional causes;
- All Canadians understand and value diverse Indigenous legal systems, and uphold Indigenous women's, girls' and LGBTQ2S people's right to gender equity in accessing and applying these laws within their own Nations;
- All Canadians respect the critical contributions that Indigenous Elders and Knowledge Keepers make to healing, justice, and reconciliation in their own families, communities, and Nations, and with non-Indigenous peoples in Canadian society;
- All Canadians reject colonial frameworks of oppression and respect Indigenous Peoples or Nations as self-determining;
- Healing, justice, and reconciliation are fostered in relationships within Indigenous families, communities, and Nations, and between Indigenous and non-Indigenous people in Canadian society; and
- There has been a fundamental change in the relationship between Indigenous Peoples, the state, and all Canadians, including everyone who advocates for the safety of Indigenous women and girls.

By the time we at the National Inquiry finish our work, we are determined to have made meaningful contributions to society, and to meet specific goals for our Final Report, our recommendations, and this process itself.

We have collected these goals into a vision document, titled “Defining Success for the National Inquiry into Missing and Murdered Indigenous Women and Girls.” Just like our working list of reports and the *Paths of Inquiry*, this is a working document, available online. We hope family members, survivors, advocates,

and others will contribute to it as well. We need your feedback to make this vision as comprehensive, effective, and inclusive as possible.

The movement to end violence against Indigenous women and girls is bigger than just the National Inquiry, its Commissioners, or its staff. We need everyone together to bring this vision to life.

## RECOMMENDATIONS AND ACTIONS

It is too early, in this Interim Report, for the National Inquiry to make findings and recommendations resulting from the Truth-Gathering Process. However, the National Inquiry wishes to:

- endorse and build upon many of the recommendations that have been made to date in a variety of inquiries, inquests, commissions, human rights complaints, and independent reports;
- make calls for immediate action; and
- make recommendations on the National Inquiry's process, which we hope will lead to a better way forward.

The process of gathering information and evidence will continue. We will be gathering statements, stories, documents, research papers, photos, and art to be taken into consideration. Following the Truth-Gathering Process, we will make conclusions and recommendations on issues at the core of our mandate in the Final Report.

## BUILDING ON THE MANY PREVIOUS FINDINGS AND RECOMMENDATIONS

To date, there have been multiple inquiries, inquests, commissions, human rights complaints, and independent reports that have dealt directly or peripherally with systemic causes of violence against Indigenous women and girls in Canada. These studies have

revealed multiple and compounding social, economic, cultural, institutional, and historical causes that keep Indigenous women and girls vulnerable to generations of violence.

Many of these studies also make concrete recommendations and point to solutions that have already been put forward but have not been implemented. This may be for lack of political or social will, limited funding, or for other reasons.

We will continue to base our work on these findings and recommendations of those who have gone before us. As the National Inquiry focuses its attention on systemic causes of violence and concrete actions to end violence, with a decolonizing, gendered, human-rights framework, we endorse and will build upon existing recommendations. These include:

- Federal, provincial, and territorial governments publicly acknowledging and condemning violence against Indigenous women, girls and LGBTQ2S people;
- Federally coordinated, cross-jurisdictional national action plans on:
  - addressing violence against Indigenous women, girls, and LGBTQ2S people;
  - public education and greater public awareness of violence against Indigenous women, girls and LGBTQ2S people;
  - compensation for family members and/or a healing fund for survivors and families;
  - properly resourced initiatives and programming to address root causes of violence against Indigenous women, girls, and LGBTQ2S people;
  - improved access to safe housing for Indigenous women, girls, and LGBTQ2S people;
  - responsive, accountable, and culturally appropriate child and family services;

## IN THE FINAL REPORT

### IN THE FINAL REPORT, THE COMMISSIONERS WILL MAKE FINDINGS ON:

- systemic causes of violence against Indigenous women and girls (including underlying causes and vulnerabilities); and
- policies and practices aimed at reducing violence and increasing safety;

### AND WILL MAKE RECOMMENDATIONS ON:

- actions to address systemic causes of violence and increase the safety of Indigenous women and girls in Canada; and
- ways to honour and commemorate missing and murdered Indigenous women and girls.

- bridging education (primary to post-secondary), skills training, and employment gaps between Indigenous peoples and non-Indigenous people;
- addressing the disproportionate rates of poverty among Indigenous people, and Indigenous women specifically;
- accessible and culturally appropriate health, mental health, addictions, and trauma services for Indigenous women, girls, and LGBTQ2S people;
- programming for Indigenous men to help break and prevent cycles of violence;
- protecting Indigenous women, girls, and LGBTQ2S people involved in survival sex work or who are being trafficked for the purposes of sexual exploitation;
- improving relationships between police services and Indigenous communities;
- properly resourced and accessible community and restorative justice measures.
- Law reform and/or repeal of discriminatory legislation, including persisting gender discrimination under the *Indian Act*;
- Repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*;
- More comprehensive and ethical information-sharing concerning violence against Indigenous women, girls, and LGBTQ2S people;
- More information concerning the performance of programs and strategies meant to address violence against Indigenous women, girls, and LGBTQ2S people;
- Properly resourced programming that addresses violence against Indigenous women, girls, and LGBTQ2S people to

be led by Indigenous peoples, especially Elders, Indigenous women, Two-Spirit and trans people, and Indigenous women's organizations;

- More frequent and accessible transportation services available to Indigenous women, girls, and LGBTQ2S people;
- More representative police forces with better resourced Indigenous liaison officers and units in local police forces;
- More immediate, proactive, and thorough investigations into Indigenous women's, girls', and LGBTQ2S people's deaths and disappearances;
- More responsive, transparent, and accountable policing (including comprehensive and independent police oversight);
- More culturally responsive and accessible victim services;
- Better supported community-based first response (search and rescue);
- Public commemoration of missing and murdered Indigenous women and girls.

All recommendations aimed at ending violence and keeping Indigenous women, girls, and LGBTQ2S people safe should include a decolonizing approach that recognizes the inherent jurisdictions of Indigenous Peoples, that solutions should stem from Indigenous communities and Nations, and that these solutions should be properly resourced by the appropriate jurisdictions.

## CALLS FOR IMMEDIATE ACTION

The National Inquiry calls for immediate action for:

1. Implementation of all Calls to Action of the Truth and Reconciliation Commission, particularly those that impact Indigenous women and children, including the immediate implementation of Jordan's Principle and the immediate



and full implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation, and including a federal action plan, strategies, and other concrete measures to achieve the goals of UNDRIP;

2. Full compliance with the Canadian Human Rights Tribunal ruling (2016) that found that Canada was racially discriminating against First Nations children.

## NATIONAL INQUIRY PROCEDURAL RECOMMENDATIONS

Along with the endorsement of existing recommendations that can immediately address systemic violence and its underlying causes, the National Inquiry recommends the following:

3. That the federal government find a way to provide the contact information of the families and survivors who participated in the pre-Inquiry process to the National Inquiry. Alternatively, that the federal government provide families and survivors who participated in the pre-Inquiry process information on how to participate in the National Inquiry.
4. That federal, provincial, and territorial governments provide project funding, in addition to regular operational funds, to help ensure Indigenous organizations' full and meaningful participation in the National Inquiry.
5. That the federal government establish a commemoration fund in collaboration with national and regional Indigenous organizations (including Indigenous women's organizations) and in partnership with family coalitions, Indigenous artists, and grassroots advocates who have spearheaded commemoration events and initiatives related to missing and murdered Indigenous women, girls and LGBTQ2S people.
6. That the federal government immediately provide additional funding to Health Canada's Resolution Health Support Program and expand its services to meet the increased needs flowing from the National Inquiry's work, and at a minimum for the duration of the National Inquiry.
7. That Health Canada's Resolution Health Support Program provide funding to Indigenous organizations and other service providers (including provincial and territorial governments) through contribution agreements and transfer funds to provide the necessary health supports to families and survivors participating in the National Inquiry's Truth-Gathering Process and engaging in its commemoration activities.
8. That the federal government undertake an engagement process with families, survivors, Indigenous organizations, and the National Inquiry to investigate the feasibility of restoring the Aboriginal Healing Foundation.
9. That the federal government work collaboratively with provinces and territories to create a national police task force to which the National Inquiry could refer families and survivors to assess or reopen cases or review investigations.
10. Given the short timeframe of the National Inquiry and the urgency of establishing robust administrative structures and processes, that the federal government provide alternatives and options to its administrative rules to enable the National Inquiry to fulfill the terms of its mandate.



## MOVING FORWARD

From our unique Indigenous and gendered perspective, the National Inquiry will help fill a knowledge gap in Canada's understanding of the root causes of all forms of colonial violence that continue to threaten Indigenous women and girls. We will highlight effective solutions that already exist, but are under-resourced or ignored, and we will inquire into what other concrete actions must be taken to change this unacceptable reality.

Through this Interim Report, we have tried to provide all Canadians, Indigenous and non-Indigenous, with more detailed information and a clearer understanding of all aspects of our work to date. We are working hard to incorporate a trauma-informed, decolonizing, and families-first approach. We have faced many challenges in setting up the National Inquiry and beginning our Truth-Gathering Process. We have learned many valuable lessons from our critics and supporters. We will continue to benefit from their insights and experience as we move forward.

We are working hard to resolve our operational and communications challenges. Our Truth-Gathering Process will continue to evolve as we hold more community visits and hearings, and organize future Expert Hearings and Institutional Hearings. We are listening to advice and feedback from families, survivors, communities, partners, and other stakeholders to make the changes we need.

During our start-up phase, it became evident that we can't fulfill our mandate in a two-year timeframe without risking further harm to families and survivors. Rather than supporting and advancing healing and reconciliation, the National Inquiry would run the risk of doing just the opposite. We need more time and resources to do our work properly.

Our hope is that the National Inquiry will be a catalyst for healing, justice, and reconciliation that will continue after our work is complete. The TRC cautioned that repairing the harms

of colonialism "will take many heads, hands, and hearts, working together, at all levels of society, to maintain momentum in the years ahead."<sup>21</sup> We hope that our Truth-Gathering Process, commemoration, art and education initiatives, and reports, add to this momentum.

We will continue to gather truths from the stories of families and survivors. Their collective voices are a powerful force for action and change. Their stories will join with those of residential school survivors as part of a new Indigenous oral history record. This public record will show both Canada's colonial relationship with Indigenous peoples and the decolonizing resurgence of their own cultures, histories, laws, and land-based ways of life.

WE WILL CONTINUE TO GATHER TRUTHS FROM THE STORIES OF FAMILIES AND SURVIVORS.

We hope that Canadians will engage with us and with each other as we seek to end systemic violence, racism, and discrimination, and protect the rights of Indigenous women, girls, and LGBTQ2S people. However, we must do even more. Canadians must learn to value these lives and their rich contributions. All Canadians must stand together with Indigenous Peoples if we want to find truth, healing, and justice.

We encourage you not to wait until our Final Report is released to do this. Listen to webcasts of our public Community Hearings. Educate yourself about the issues. Find out what national and regional Indigenous organizations are doing. Talk to Indigenous neighbours in your own community. Learn how to work in respectful partnership with Indigenous peoples. There is so much work to be done.

As you join us on this journey, we hope that you will gain a deep respect for the courage, strength, resilience, and knowledge of the people and voices at the heart of this Inquiry. Truly decolonizing and transforming our country will require nothing less.

## APPENDIX A

*Lexicon Excerpts***COLONIALISM**

Colonialism is the attempted or actual imposition of policies, laws, mores, economies, cultures or systems, and institutions put in place by settler governments to support and continue the occupation of Indigenous territories, the subjugation of Indigenous Nations, and the resulting internalized and externalized thought patterns that support this occupation and subjugation.

Colonialism is not to be confused with colonization. Colonialism is the ideology advocating colonization. Colonization generally refers to the process by which Europeans invaded and occupied Indigenous national territories.

**COMMEMORATION**

A ceremony, celebration, act, or gesture through which an individual or event is remembered and/or honoured.

**DECOLONIZING**

“Decolonization” is a social and political process aimed at resisting and undoing the multi-faceted impacts of colonization and re-establishing strong contemporary Indigenous Nations and institutions based on traditional values, philosophies, and knowledge systems. It actively resists the forces of colonialism that perpetuate the subjugation and/

or exploitation of Indigenous minds, bodies, and lands. It requires people to consciously and critically question the legitimacy of the colonizer and to reflect on the ways we all have been influenced by colonialism.

The term “decolonizing” is used to show that the process of decolonization is not yet complete.

**ELDERS AND KNOWLEDGE KEEPERS**

The terms “Elders” and “Knowledge Keepers” refer to people who have deep knowledge or expertise in Indigenous knowledge systems, including Indigenous intellectual traditions, worldviews, and laws. These people are considered the keepers of Traditional Knowledge or Oral History within their families, communities, or Nations. They are Indigenous persons who are respected for their wisdom, knowledge, experience, background, and insight. They are generally sought out by community members or individuals for help and advice with traditional as well as contemporary issues.

The term “Elder” does not necessarily mean that a person is advanced in age. Similarly, advanced age does not necessarily mean that someone is regarded as an Elder.

## “ENGAGEMENT” RATHER THAN “CONSULTATION”

In simple terms, both “consultation” and “engagement” are processes for seeking advice, feedback, guidance, and direction from Indigenous Peoples. The term “consultation” is often associated with the Crown’s legal duty to consult in regards to Aboriginal or Treaty rights. Most levels of government and business leaders recognize that consultation with Indigenous people is a necessary part of doing business on Treaty or traditional land and with Indigenous Peoples. In some Indigenous communities, however, “consultation” has taken on a negative connotation because of conflict over resource extractions and strained relationships with Crown and industry.

The key difference between “consultation” and “engagement” is that often consultation efforts are focused before or at the start of a research project, with only occasional follow-up throughout. Engagement, however, is an ongoing process in which communities or research subjects are actively participating in a meaningful way and have input into research design and implementation throughout, not just at the beginning or end.

## FAMILIES OF THE HEART

The phrase “families of the heart” is an inclusive term that extends beyond the nuclear or even extended family to include people chosen as family members. These are people who are not biologically related but have chosen to stay closely involved and support each other out of mutual love and respect.

For example, people who are estranged from their biological families/communities (especially because of violence) may create a new circle of tightly knit relationships. Other examples include close friends or extended relatives who are “aunties and uncles” to each other’s children; children, parents, step-parents, or grandparents who have unofficially adopted each other; or foster families that remain involved in a child’s life in addition to the child’s biological family.

We recognize that family relationships can be complex. The National Inquiry’s goal is to support survivors of violence and the people who love them, and will not exclude loved ones from testifying or supporting those who are testifying because they’re not biologically related.

## LGBTQ2S PEOPLE

There are many initialisms that cover sexual and gender minorities—LGBTQ2S, 2SLBTQ, LGBTQQIP2SAA, QUILTBAG—all with advantages and limitations. We have chosen to use the term “LGBTQ2S people” (representing lesbian, gay, bisexual, transgender, queer, and Two-Spirit people), because it’s relatively well-known. “Queer” and “Two-Spirit” are also usually understood as umbrella terms.

## TWO-SPIRIT

The term Two-Spirit is used by many Indigenous people for both sexual orientation and gender identity. It is a term to describe Indigenous people who are born with both a masculine and feminine spirit. Two-Spirit describes a societal and spiritual role that people played within traditional societies, as mediators, keepers of certain ceremonies, transcending accepted roles of men and women, and filling a role as an established middle gender.

It is important to note that this is an English language umbrella term and that some Indigenous peoples may have had multiple recognized genders with their own terms, depending on their Nation.

## RESISTANCE AND RESURGENCE

The term “resistance” is used to refer to the diverse strategies employed by Indigenous Peoples and Nations to resist colonialism. To Indigenous Peoples, resistance is not just mass mobilization, armed conflict, and protest. It encompasses a broad range of strategies and activities that promote decolonization, Indigenous ways of life, values, knowledge, and broader political goals. Indigenous resistance includes “everyday acts of resistance” that embody individuals and communities living by their traditional teachings despite overwhelming pressure from the dominant society not to.

“Resurgence” is the increase or revival of an activity or idea. For Indigenous Peoples, this involves increasing or reviving traditional land-based and water-based cultural practices that existed long before colonization and will continue to exist long after. This is part of the decolonizing process, although it is not defined solely by it.

## TRUTH-GATHERING PROCESS

The phrase “Truth-Gathering Process” is used to describe the National Inquiry process, including three phases of hearings: Community Hearings, Expert Hearings, and Institutional Hearings. It speaks to an ongoing process, rather than an event (such as describing a gathering). It allows for multiple “truths” or perspectives to be brought forward. It is not presumptive about finding the truth or deciding what is the truth.

Families, survivors, and loved ones will participate primarily through the Community Hearings, statement gathering, and artistic expressions.



## APPENDIX B

# *How to Participate* IN THE NATIONAL INQUIRY

If you want to share your story with the National Inquiry into Missing and Murdered Indigenous Women and Girls, here's what you need to know:

- The National Inquiry is participant centred, collaborative, holistic, and rooted in compassion.
- Families, survivors, and loved ones have choices in how to share their stories, in a comfortable and safe way.

There are six steps to sharing your story.

### STEP ONE REGISTRATION

It all starts when you choose to become a participant by reaching out to us. There are five ways you can register to share the story (stories) of your lost loved one(s) or your own truth as a survivor of violence:

- Phone us toll-free at: 1-844-348-4119
- Fax us at: 604-775-5009
- Send us a letter at: PO Box 500, Station A – Vancouver BC V6C 2N3
- Email us at: [profile@mniwg-ffada.ca](mailto:profile@mniwg-ffada.ca)
- Meet us in-person during one of our community visits, the locations of which will be posted on our website at [www.mniwg-ffada.ca](http://www.mniwg-ffada.ca)

Please include your name, phone number, email, and location when you contact us so that we can reach out to you. The current wait period is one week before you will receive an email or call from a member of our Health Team staff to set up the first telephone meeting.

### STEP TWO INITIAL CONTACT AND CONVERSATION

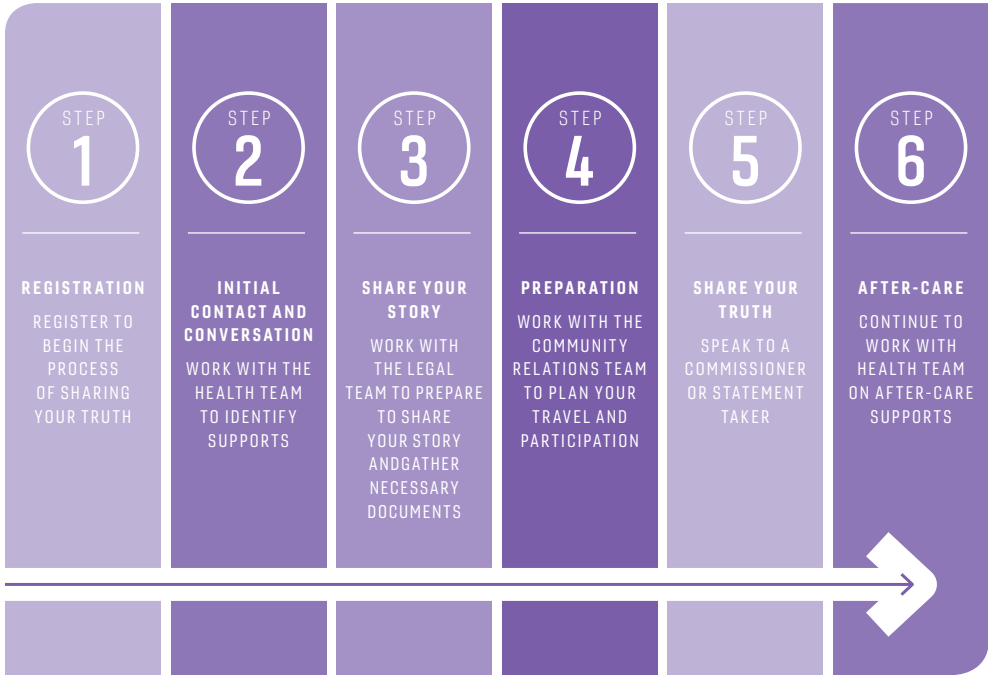
The first person you will hear from will be a member of our Health Team. This is an important step that allows us to gather basic information so that we can understand what supports you may need as you journey through the process of telling your story. Once you are ready, you will be referred to a member of the Legal Team to begin the next step.

### STEP THREE SHARING YOUR STORY

Next, a member of the Legal Team will contact you. They will help prepare you to share your truth in the best way possible. They will also help families and survivors gather any documents you need (including coroner, police, and Crown reports), so that your truth is told in the best way possible.

Here are the ways you can share your truth:

- Before a Commissioner in a public Community Hearing.



- Before a Commissioner in a private and confidential hearing.
- In a circle, with members of your family, or other families, loved ones, or survivors, before a Commissioner.
- With a statement gatherer in a private place with no Commissioner. (The Commissioners will read your statement and take your truth into account when making their findings and recommendations.)
- Through artistic expressions like artwork, a song, poetry, or a video or audio tape that you have prepared.

#### STEP FOUR GETTING PREPARED

Next, you will speak to a member of the Community Relations Team. They will help you plan how to tell your story. This may include planning travel to and from a Community Hearing or a location to meet with a statement gatherer.

#### STEP FIVE SHARING YOUR TRUTH

Community hearings will take place across the country. This is where you can speak before one or more of the Commissioners, either in public or in a confidential setting. You will have a schedule of the events for the hearing and will know when you are expected to speak. You will have your health and family supports beside you, as well as one of our Legal Team members to guide you through the process. There will be traditional opening and closing ceremonies that you can choose to participate in if you wish.

#### STEP SIX AFTER-CARE

After you have shared your truth with the National Inquiry, you will continue to work with the Health Team on your after-care needs and support. We will have a gift for you that we hope you can use to continue on your own healing journey. We invite you to share stories or photographs of you using this gift, to continue our relationship in the future.

## APPENDIX C

# CALL FOR *Artistic Submissions*

### THE NATIONAL INQUIRY (NI) INVITES ARTISTS TO SUBMIT THEIR WORK.

#### WHAT IS AN ARTISTIC EXPRESSION?

Artistic expression is visual, audio, material, or performative art. This art can be a representation of reality, expression, or communication of emotion. Artistic expressions for the NI can be about a memory, feeling, truth, and knowledge. They be acts of commemoration and/or may include messages of hope, loss, resilience, or reconciliation for families, lost loved ones, and survivors, and/or as messages to the general public.

#### WHY IS THE NI CALLING FOR ARTISTIC SUBMISSIONS?

Art is an important medium for sharing knowledge and truth that can have a profound impact on others. It can be a permanent record that shares the truth about violence against Indigenous women and provides awareness of the crisis of missing and murdered indigenous women and girls. Artistic expression allows artists to share their voices. Artistic expressions can be used as a tool to share knowledge, promote activism, commemorate, engage in reconciliation, address trauma and support, and deepen and enhance the healing process.

#### WHAT KIND OF ART CAN YOU SUBMIT?

*Performance/Dance:* up to 10 images of the piece or DVD of any length showcasing the work.

*Film/Video:* DVD of any length.

*Photographs/Drawings:* originals; digital copies – up to 20 images on CD or DVD.

*Music songs:* audio version of the song, image of the band, lyrics.

*Poetry, Spoken Word, Novel, Plays,*

*Graphic Art:* relevant written sample of work; if performed – on DVD, any length.

*Sculpture/Painting, Basketry,*

*Mixed Medium Art:* please contact Senior Archivist to ensure the archive can hold and care for your artistic expression properly.

*Quilts, Fabric Art:* please supply information on types of fabric used.

#### SHARE WITH US: I DESIGNED THIS ARTWORK BECAUSE...

We want to ensure that the story of your art accompanies the piece that you are submitting. This includes information about why you created this art piece, in whose memory you are donating it, what your artistic expression means to you, and any other information you would like to accompany your art piece. This

will help people who see your art connect to your artistic expression.

If you agree, we would like to video record or audio record this story. We will have equipment to do recordings at the hearings. If you are mailing or emailing your artistic expression, you can include a video recording, an audio recording, or a written text about your art along with your donation.

#### WHAT WILL HAPPEN TO YOUR ART?

All artworks will be transferred to the Missing and Murdered Indigenous Women and Girls Legacy Archive. This archive will care for each piece according to the wishes of the donor.

An archivist from the NI will work with you to fill out a form that will detail relevant information about your art. If you agree:

- The NI may feature your work of art in its report, on its website, or as part of its public education efforts.
- The NI will be present at many community and regional events. It may be in contact with art galleries and museums, as well as with filmmakers who may wish to use your art in their films or TV or other programming. The NI may choose to feature your work of art in any of these venues or provide them to third parties that will use them appropriately for public education purposes, with proper credit to the artist.
- Access to the works of art held at the NI Legacy Archive may be made available to people around the world who are interested in learning more about missing and murdered Indigenous women and girls, subject to applicable laws.

- You can show your work of art to anyone else, at any time, as you choose.

#### THE LEGACY ARCHIVE

Artworks submitted to the NI will be held as part of an archive that will be accessible even after the Inquiry has ended. The Legacy Archive will care for all artworks according to the wishes of the donor.

For ALL submissions, you MUST include a completed Accession Form and a signed Consent Form. We can help you fill these out.

Please do NOT send master or original copies, unless you have decided that the National Inquiry can keep the original. You may also submit your artist bio or CV, your website address, or any other relevant material.

*Note: If we use your artwork for an exhibit, outreach, or educational purposes, we will do our best to contact you. We will use the most recent contact information that you have provided.*

#### PLEASE SEND YOUR SUBMISSIONS AND/OR QUESTIONS TO:

If you have any questions about this process, or how to submit your art, that are not addressed here, please contact the Senior Archivist:

Petra Turcotte – Senior Archivist  
T: 431-996-4986  
E: p.turcotte@mniwg-ffada.ca



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# Notes

## CHAPTER 1: REMEMBERING WHY WE'RE HERE

- 1 This report uses “we” and “our” throughout. This is because this work isn’t just that of the Commissioners or National Inquiry staff members. This is a movement, and the work of the National Inquiry includes everyone working to ending violence against Indigenous women and girls.
- 2 We acknowledge that among the many Indigenous groups and communities in Canada there are individuals recognized for their expertise and knowledge, rooted in their worldview. For example, the term Grandmother is common for some First Nations and Métis, while Elder is used among Inuit for both male and female. The term warrior is used among certain First Nations but in a hunter society such as the Inuit the term *angunasutti* (harvester) would be used for men, or women, who provide food for their families and communities. The terms used here and throughout the text are meant to be understood as inclusive of all Indigenous groups’ and communities’ various ways of being and knowing.
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## CHAPTER 2: OUR STORY BEGINS

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## CHAPTER 3: OUR STORY BUILDS

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## CHAPTER 4: OUR STORY UNFOLDS

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- 4 Many thanks to the members of the National Inquiry Inuit Working Group and their friends and family who helped choose these gifts, and who harvested the cotton and the Labrador tea.
- 5 Glenda Abbott, a traditional medicine bundle keeper and *nehiyaw* from Pelican Lake First Nation, kindly donated her time and expertise on the seed project. She helped us choose seeds that are able to grow naturally in families' and survivors' home communities.
- 6 The Dakhká Khwáan Dancers performed an Honouring Song for missing and murdered Indigenous women and girls. Other singers included Starr Drynock (Nlakapamux), Megan Jensen (Tlingit/Tagish), and Dennis & Jenny Shorty (Kaska).
- 7 Front-line groups and local leadership held up these positive examples as ones to learn from at the Whitehorse Advisory Meeting. Learn more about the Jackson Lake Healing Camp at <https://www.youtube.com/watch?v=LWRv4V7jwWQ>, as well as the rough the Government of Yukon press release, "Governments sign Jackson Lake Healing Camp funding agreement," May 26, 2014. Accessed August 14, 2017. <http://www.gov.yk.ca/news/14-136.html>. In terms of Indigenous-led child welfare, Kwanlin Dün First Nation, or KDFN (which has been self-governing since 2005), has an MOA with Health and Social Services Canada (<http://www.hss.gov.yk.ca/pdf/moa-kdfn-hss-jan2011.pdf>). Among other things, this means that Yukon social workers do not come into Kwanlin Dün First Nation unaccompanied, but visit families accompanied by Kwanlin Dün representatives. Decisions on a child's care are then made jointly. As a result, it has drastically changed how community assessments are done, and increased kinship-type placements. Carcross Tagish First Nation, also self-governing, has its own Family Act, which talks about the role of clan and kin in raising children ([http://www.ctfn.ca/documents/doc\\_view/42-family-act-2010](http://www.ctfn.ca/documents/doc_view/42-family-act-2010)). Finally, Kwanlin Dün First Nation has also implemented the highly regarded Safer Communities and Neighbourhoods (SCAN), a community-driven anti-crime territorial program. This has reduced phone calls to police in KDFN by 40% in one year. Partnering with the Yukon government, corrections, the RCMP, by-law services managers, justice professionals, and the Jackson Lake Wellness team,



they made several key changes. The main targets were: physical clean-up (crime prevention by environmental design), shutting down party/drug houses, partnering with Northwest Tel to create an anonymous tip line, and training 15 new community safety officers to work in KDFN, 13 of whom are from that First Nation. To learn more, see: Pierre Chauvin, “Kwanlin Dun’s hard look at violence,” *Yukon News*, June 1, 2016. Accessed September 10, 2017. <http://www.yukon-news.com/news/kwanlin-duns-hard-look-at-violence/>.

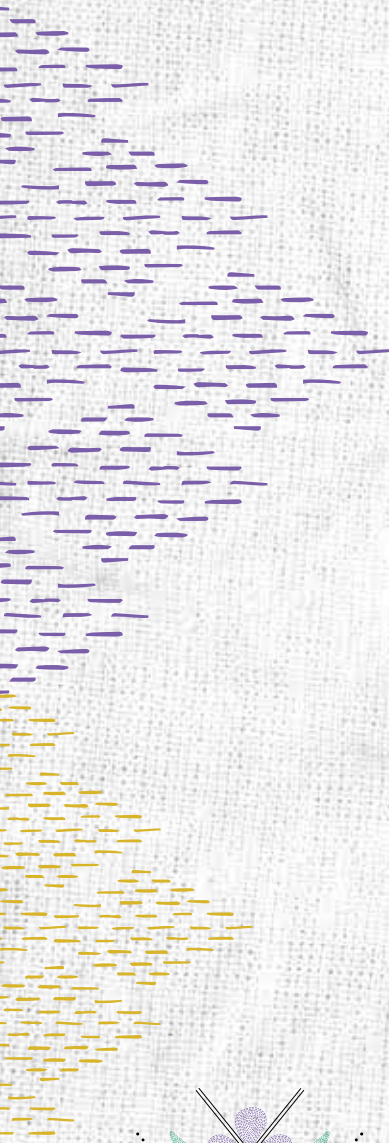
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## CHAPTER 5: OUR STORY CONTINUES

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National Inquiry into  
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