



NATIVE WOMEN'S
ASSOCIATION OF CANADA
L'ASSOCIATION DES FEMMES
AUTOCHTONES DU CANADA

THE NATIONAL INQUIRY INTO
MISSING AND MURDERED
INDIGENOUS WOMEN AND GIRLS

NWAC REPORT CARD

September 2016 - December 2016

LEGEND

| | | | |
|---|--|--|---|
| GREEN - PASS Commitment has been met. | YELLOW - ACTION REQUIRED Commitment is incomplete or needs more attention. | RED - FAIL No progress made on the commitment. | GREY - INSUFFICIENT INFORMATION Cannot assess at this time. |
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1. The Commission's overall responsibility to develop and adhere to timelines regarding to operational/administrative structure.

ACTION REQUIRED

Observations:

It is difficult to assess timelines as expectations were not clearly laid out as to when a main office would be secured, when contact information to the Commission would be made available, or when a website would be launched. Timelines for hiring senior staff are also unknown. While NWAC recognizes that planning takes time, transparency throughout the process is essential, especially at the beginning stages.

Recommendations:

After four months (September - December 2016), it is recommended that all remaining operational and administrative processes be completed and reported on publicly.

It is further recommended that a detailed timeline become a public document that is reported on quarterly.

2. The Commission's overall responsibility to develop and adhere to Communication that provides information, transparency and accountability.

ACTION REQUIRED

Observations:

It is unfortunate that a point-of-contact was not named as an interim measure once the Federal Government announced the Commissioners in August 2016. Many concerns and questions requiring response remain unanswered. The lack of official phone numbers, emails, and use of personal social media accounts remains a concern. This unofficial and unsecured style of communication has led to inconsistent messaging and the perception of favouritism by Commissioners, as they meet unofficially with some family members but not others. The lack of timely and official communication has left many feeling disheartened and disillusioned.

This perception of partiality is further reinforced by the lack of transparency evidenced in the hiring processes employed by the Commission. The senior positions of Executive Director, Director of Communications, Director of Health, and Director of Community Relations were not publicly posted and appear to have been filled through the Commissioners' internal networks. An open call would have given an opportunity for candidates who are well-versed in the issues, have a great deal of experience working with and supporting families, have acted as advocates for the MMIWG, are well-known Indigenous women, and/or are two-spirit community members to contribute their expertise to the work of the Inquiry.

Recommendations:

Moving forward, it is recommended that official Communiqués are released regularly to share information, report on progress, and build a foundation of trust, transparency, and accountability.

3. The Commission's overall responsibility to develop and build Community Relations that include families, survivors and external stakeholders of plans, interview dates, etc.

ACTION REQUIRED**Observations:**

NWAC is pleased to see that Community Relations begins with families and survivors. It is NWAC's understanding that 'external stakeholders' refers to all players and communities that acknowledge that the purpose of the Commission is to contribute to public awareness of the root causes of Violence Against Indigenous Women and solutions to ending this gendered violence. These stakeholders include National Indigenous Organizations (NIOs), Provincial and Territorial organizations, and service providers who have worked with and continue to provide support to families and survivors. However, a lack of effective and official communication as well as the inability to set timelines and report on progress has wounded families and survivors. There is a need to engage local communities and the Canadian public as to their role and accountability in honouring Indigenous women and contributing to longer term supports and healing. Moving forward, considerable efforts must be made to ensure all external stakeholders can be meaningfully involved.

Recommendations:

The Commission should advise families and survivors, as well as stakeholders such as the NIOs, Provincial and Territorial organizations, and service providers about the nature of their inclusion in the Inquiry and an outline of what is expected of them so that all those that wish to participate may do so.

4. The Commission's overall responsibility to develop and build capacity to ensure that all those involved are compensated to a degree that ensures their ability to meaningfully engage in the Inquiry process.

ACTION REQUIRED

Observations:

There has been a failure to recognize the importance and necessity of building the capacity of families and survivors and all external stakeholders, including service providers. Involvement of the NIOs is currently limited to bi-monthly teleconferences and although they have expertise to offer in dealing with this subject matter, NIOs do not have the resources to commit to this process without remuneration.

Recommendations:

Moving forward, it is recommended that families, subject matter experts and the NIOs be provided with human and/or financial resources to participate in the Inquiry Process.

5. The Commission has acted on its authority to recommend concrete actions to remove systemic causes of violence and increase the safety of Indigenous women and girls in Canada.

CANNOT ASSESS

6. The Commission has acted on its authority to recommend ways to honour and commemorate missing and murdered Indigenous women and girls.

CANNOT ASSESS

7. The Commission has acted on its authority to provide recommendations to the Government of Canada through an interim report by November 1, 2017.

CANNOT ASSESS

8. The Commission has acted on its authority to provide recommendations and a final report by November 1, 2018.

CANNOT ASSESS

9. The Commission has acted on its mandate to set up an inquiry process that, to the extent possible, is informal, trauma-informed, and respectful of the individuals, families and communities concerned.

ACTION REQUIRED

Observations:

It is NWAC's understanding that 'informal' refers to creating a more comfortable atmosphere for sharing stories and 'giving voice' to families and survivors. This includes an atmosphere where those being interviewed do not feel 'on trial,' but rather a valued contributor and community member. No information has been shared regarding the creation of a trauma-informed lens or how this lens will be publically shared or implemented at every stage of the Commission.

Recommendations:

Moving forward, it is recommended that the Commission develop a trauma-informed lens with collaboration from those that have experience and knowledge in this area, especially those that have worked with and continue to provide support for families and survivors.

10. The Commission has acted on its mandate to set up an inquiry process that, to the extent possible, respects the diverse cultural, linguistic and spiritual traditions of Indigenous peoples.

CANNOT ASSESS

11. The Commission has acted on its mandate to set up an inquiry process that, to the extent possible, promotes and advances reconciliation.

CANNOT ASSESS

12. The Commission has acted on its mandate to set up an inquiry process that, to the extent possible, contributes to public awareness about the causes of violence and solutions for ending it.

CANNOT ASSESS

13. The Commission has acted on its mandate to set up an inquiry process that, to the extent possible provides opportunities for individuals, families and community members to share their experiences and views, including their views on recommendations for promoting safety and preventing or eliminating violence.

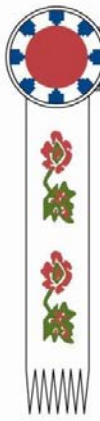
CANNOT ASSESS

14. The Commission has acted on its authority to establish regional advisory bodies, composed of families, loved ones and survivors to advise on issues specific to various regions, within the scope of the independent inquiry.

CANNOT ASSESS

15. The Commission has acted on its authority to establish issue-specific advisory bodies composed of Elders, youth, family members of victims, as well as representatives of national, Indigenous, local and feminist organizations to advise on regional matters that fall within the scope of the independent inquiry.

CANNOT ASSESS



NWAC's Report Card on

National Inquiry into Missing and Murdered Indigenous Women and Girls

Dated: December 2016

Purpose

The purpose of this report card is to present an update and assessment of the progress made by the National Inquiry Commission to the families of the MMIWG and to the public.

Background

From 2005 to 2010, the Sisters in Spirit initiative of the Native Women's Association of Canada (NWAC) documented the disappearances and/or murders of 582 Aboriginal women and girls over a span of twenty years. After five years, the initiative ended and the Government of Canada restricted NWAC's funding for this groundbreaking research, forcing NWAC to find alternate resources to continue this documentation. Awareness raising and community building continued through the projects Evidence to Action I (2010-2011) and Evidence to Action II (2011-2014) and NWAC's belief was that the scope of the violence was far greater than the cases it had been able to document through public sources. This belief was widely supported at that time by other organizations, including Statistics Canada. This reality was confirmed in 2013 when the Royal Canadian Mounted Police (RCMP) compiled data from over 300 police forces to discover a total of 1,181 murders and/or disappearances of Aboriginal women and girls between 1980 and 2012, a number that has since estimated to be even higher.¹

The human rights violations, disappearances, and murders perpetrated against Indigenous women and girls has garnered Canada international attention and scorn. During Canada's Universal Periodic Review before the United Nations Human Rights Council in 2013, twenty-four countries "raised questions and made recommendations with respect to deep concerns about staggeringly high rates of violence against Indigenous women and girls in Canada".² In 2014, United Nations Special Rapporteur on the Rights of Indigenous Peoples James Anaya released a report recommending that the Government of Canada undertake "a comprehensive, nationwide inquiry into the issue of missing and murdered aboriginal women and girls, organized in consultation with Indigenous peoples."³ Since that time, the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) has presented 38 recommendations addressing this issue.

¹ A report released by Statistics Canada in 2011 titled *Violent Victimization of Aboriginal Women in the Canadian Provinces, 2009* ([accessible here](#)) outlines findings from the General Social Survey and Statistic's Canada Homicide Survey, neither of which collect data on disappearances (p. 9). The report additionally notes that while the Homicide Survey collects information on Indigenous identity "when known", police report Indigenous identity as "unknown" roughly half of the time (p. 9). Regardless of these gaps in data, the RCMP's reports continue to draw on the General Social Survey.

² Amnesty International (2014), *Violence Against Indigenous Women and Girls In Canada: A Summary of Amnesty International's Concerns and Call to Action* (Retrieved from https://www.amnesty.ca/sites/amnesty/files/iwfa_submission_amnesty_international_february_2014_-_final.pdf), p. 5.

³ United Nations Human Rights Council (2016), *The Situation of Indigenous Peoples in Canada*. (Retrieved from www.unsr.jamesanaya.org), p. 21.

Following a symposium convened by NWAC, the Canadian Feminist Alliance for International Action, and the Canadian Journal of Women and the Law, NWAC released a consensus document detailing 22 recommendations about the inquiry process, including its goals, analytical framework, data collection methodology, and focus of the inquiry.⁴ Forty Indigenous women leaders, family members of murdered and disappeared women, academics and allies were joined by six human rights experts from the United Nations and the Inter-American Commission on Human Rights. The recommendations distilled from the presentations and dialogue at the Symposium include that the Inquiry focus on gendered, sexualized, and racialized violence against Indigenous women and girls; that the Inquiry provide a systemic examination of the causes and consequences of this violence; that the Inquiry base its work in Indigenous and feminist analysis that incorporates Indigenous law; and that the Inquiry's work is grounded in the specific lived realities and conditions of Indigenous women and girls in Canada.

Launch & Appointment of the Commissioners

The Inquiry was officially launched in December 2015 with three months of pre-inquiry consultations (18 face-to-face sessions held in every province and territory except Newfoundland & Labrador, New Brunswick, and PEI. On August 3rd, 2016, Carolyn Bennett, Minister of Indigenous and Northern Affairs, along with Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada, and Patty Hajdu, Minister of Status of Women announced the five Commissioners tasked with leading the Inquiry, including developing the Terms of Reference.

The Commissioners are as follows:

- **Chief Commissioner - The Honourable Marion Buller** (Mistawasis First Nation, Saskatchewan)
Currently serving as a Provincial Court Judge in British Columbia.
- **Commissioner - Michèle Audette** (Mani Utenam, Québec)
Audette is the former President of Femmes autochtones du Québec / Québec Native Women's Association.
- **Commissioner - Qajaq Robinson** (Iqaluit, Nunavut)
Robinson is currently Vice-President of Tungasuvvingat Inuit, a non-profit dedicated to providing cultural programming to Inuit in Ottawa, and is also a lawyer specializing in Indigenous rights and work with First Nations communities.
- **Commissioner - Marilyn Poitras** (Métis - Saskatoon, Saskatchewan)
Poitras is a Harvard Law graduate and current Assistant Professor in the Program of Legal Studies for Native People at the University of Saskatchewan, and a former Professor at the Akitsiraq Law School in Nunavut, which she also helped develop.
- **Commissioner - Brian Eyolfson** (Couchiching First Nation, Ontario)
Currently a Vice Chair with the Human Rights Tribunal of Ontario and acting as Deputy Director in the Legal Services Branch of the Ontario Ministry of Indigenous Relations and Reconciliation.⁵

⁴ FAFIA and NWAC (2016), *The National Inquiry on Murders and Disappearances of Indigenous Women and Girls Recommendations*, from The Symposium on Planning for Change – Towards a National Inquiry and an Effective National Action Plan, January 30-31, 2016 (Retrieved from https://nwac.ca/wp-content/uploads/2016/02/NWAC-FAFIASymposium_22recommendations_2016_EN.pdf).

⁵ Indigenous and Northern Affairs Canada (June 2016). *About the commissioners*. (Retrieved from <https://www.aadnc-aandc.gc.ca/eng/1470141223313/1470141325236>)

According to the Government, the makeup of the Commission reflects feedback received during the pre-inquiry design phase about what backgrounds, characteristics, and experiences would be necessary to lead this particular Inquiry.⁶

The Federal Government has committed to providing the Commission with \$53.86 million over two years in order to complete its mandate by December 31st, 2018. This is in addition to the \$16.17 million to be provided by the Government over four years for the creation of Family Information Liaison Units in each province and territory and to increase Victims Services.

Terms of Reference

According to the Terms of Reference (ToR) for the National Inquiry into Missing and Murdered Indigenous Women and Girls ([accessible here](#)), the Commissioners are required to examine and report on “all underlying causes of violence against Indigenous women and girls including systemic issues and make concrete recommendations to end the unacceptably high rates of violence, as well as the authority to examine institutional policies and practices such as policing or child welfare”.⁷

Upon release of the ToR in August 2016, NWAC identified four specific areas of concern:

- Trauma-informed and culturally-appropriate counselling will be made available to families of the missing and murdered Indigenous women and to survivors of violence, but this counselling appears to be limited to “*the duration of their appearance before the Commission*,”⁸ in direct disregard of the fact that trauma does not have a finite timeframe.
- Families who contact the Commission for information or assistance regarding ongoing or past investigations, prosecutions, or inquests will be referred to “*the appropriate provincial or territorial authority that is responsible for the provision of victim services*”.⁹ For families seeking justice rather than counselling services, this is a missed opportunity.
- Although the Commission is directed to examine “*systemic causes of all forms of violence—including sexual violence [and] underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada*”,¹⁰ there is no mention of

⁶ Indigenous and Northern Affairs Canada (3 August 2016). *Government of Canada Names Commissioners for National Inquiry Into Missing and Murdered Indigenous Women and Girls* (Retrieved from <http://news.gc.ca/web/article-en.do?nid=1106779>)

⁷ Indigenous Affairs and Northern Development Canada (INAC) (August 2016). *Creating the Terms of Reference* (Retrieved from <https://www.aadnc-aandc.gc.ca/eng/1470141425998/1470141507152>), para. 2.

⁸ INAC (August 2016). *Inquiry Terms of Reference*. (Retrieved from <https://www.aadnc-aandc.gc.ca/eng/1470422455025/1470422554686>), item l.

⁹ INAC, *Inquiry Terms of Reference*, item m.

¹⁰ INAC, *Inquiry Terms of Reference*, item a) i.

the role of the provinces and territories which regulate services such as policing and child welfare.¹¹

- There is no explicit mention of the need to work with justice partners ensure that changes are brought to the ways in which families and survivors of violence are treated by officials within the justice system, as many have had extremely negative experiences navigating the system and felt they were treated disrespectfully.¹²

Evaluation of the Commission's Progress

This report card is based on the MMIWG Commission's overall responsibilities with regards to timelines, communication, external relations, and capacity, as well as the Terms of Reference. Based on the limited information available to NWAC at this time, we are providing our observations and recommendations using a scale of pass, action required, fail, and insufficient information. The Native Women's Association of Canada (NWAC) Board of Directors and Leadership also support this assessment.

This document is presented in good faith that while the Commission is independent, they will be open to constructive feedback and recommendations that are strength-based and solution-focused. NWAC looks forward to providing further report cards in a transparent and public way by providing quarterly Report Cards on the Inquiry's progress and activities.

¹¹ Systemic issues is a broad term which can include, but is not limited to: colonialism, the Sixties Scoop, the *Indian Act*, the overrepresentation of Indigenous children in the child welfare system, the overrepresentation of Indigenous peoples in the penal justice system, and inadequate access to education and housing.

¹² Not only have we heard this in our own work, but testimony to this effect is documented in the Standing Committee on the Status of Women's 2011 interim report titled *Call into the night: An overview of violence against Aboriginal women* ([available here](#)); the Special Committee on Violence Against Indigenous Women's 2014 report *Invisible Women: A Call to Action – A Report on Missing and Murdered Indigenous Women in Canada* ([available here](#)); and Health Canada's 2008 report *Aboriginal Women and Family Violence* ([available here](#)).