

**CANADIAN HUMAN RIGHTS TRIBUNAL**

**BETWEEN:**

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and  
ASSEMBLY OF FIRST NATIONS**

**Complainants**

**-and-**

**CANADIAN HUMAN RIGHTS COMMISSION**

**Commission**

**-and-**

**ATTORNEY GENERAL OF CANADA  
(representing the Minister of Indigenous and Northern Affairs Canada)**

**Respondent**

**-and-**

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL, and NISHNAWBE ASKI NATION  
Interested Parties**

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**AFFIDAVIT OF BOBBY NARCISSE**

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NATION**

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**AFFIDAVIT OF BOBBY NARCISSE**

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**I, Bobby Narcisse, of the City of Thunder Bay, in the Province of Ontario, MAKE  
OATH AND SAY:**

1. I have prepared this affidavit in support of a motion brought by Nishnawbe Aski Nation (“NAN”) before this honourable Tribunal seeking relief in respect of the Remoteness Quotient (“RQ”) work ordered by this Tribunal in March of 2017, and the Calls to Justice of the National Inquiry into Murdered and Missing Indigenous Women and Girls.

2. I am the Director of Social Services of NAN and sat on the RQ Table formed by NAN and Indigenous Services Canada (“ISC”), and as such I have knowledge of the information contained herein.
3. I am a member of Aroland First Nation, a NAN community located in the Thunder Bay District of the Province of Ontario. I was an Aroland Band Councillor from 2011 to 2013. Previous to my time as Band Councillor, I was a child and family services worker in Calgary, Alberta, at the Aspen Family and Community Network Society.
4. I currently hold the position of Director of Social Services at NAN and have held that position since March 2013. As Director of Social Services at NAN, I have communicated extensively with NAN First Nations communities, Executive Directors and Associate Executive Directors of child and family services agencies, and government stakeholders on a variety of issues regarding child and family services, including the unique challenges of service delivery in remote and northern communities in NAN territory in northern Ontario.
5. My affidavit is divided into the following sections:
  - I. The work of the RQ Table;
  - II. Intended Next Steps: A National RQ Table;
  - III. The NAN Child and Family Services Agencies;
  - IV. ISC’s Continued Use of the Inequitable Casino Rama Formula to Determine Funding Allocations to NAN First Nations; and
  - V. Calls to Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls.

6. Some of the information contained in this affidavit is also found in my affidavit of May 2016, filed in support of NAN's motion to intervene in these proceedings. I incorporate some of that information here for ease of reference, and provide some relevant updates.
7. I refer at times in my affidavit to "the NAN agencies." These are, respectively, Kunuwanimano Child and Family Services ("Kunuwanimano"), Payukotayno James and Hudson Bay Family Services, and Tikinagan Child and Family Services ("Tikinagan").

### **I. The Work of the RQ Table**

#### **Background to the RQ Table**

8. In a decision dated September 14, 2016, this honourable Tribunal ordered Indigenous and Northern Affairs Canada ("INAC", now ISC) "to provide detailed information in its compliance reports to clearly demonstrate how it is determining funding for remote FNCFS Agencies that allows [remote agencies] to meet the actual needs of the communities they serve" (2016 CHRT 16, at para 81). This Tribunal agreed with NAN that a "remoteness quotient needs to be developed as part of medium to long term relief and that data needs to be appropriately collected."
9. I am aware that in a compliance report dated October 31, 2016, INAC stated it did not have, nor did it collect, sufficient data or information to create a remoteness quotient. I am informed by Molly Churchill, a lawyer at Falconers LLP (the firm that represents NAN in these proceedings), that a copy of this compliance report was filed with this Tribunal as an exhibit to the affidavit of Cassandra Lang affirmed January 25, 2017, and filed with the Tribunal by INAC that same day.

10. I am aware that Ms. Lang was cross-examined on her affidavit of January 25, 2017. I am informed by Ms. Churchill and believe it to be true that counsel for NAN cross-examined Ms. Lang on February 8, 2017, and that transcripts of the cross-examinations of Ms. Lang have been filed with this Tribunal.

Formation of the RQ Table and this Tribunal's Order

11. In early March of 2017, jointly recognizing the need for data collection and analysis in relation to remoteness, NAN and INAC agreed to Terms of Reference for a Remoteness Quotient Table ("the Terms of Reference"). The intention of the RQ Table was "to allow NAN and Canada to collaborate in the spirit of reconciliation on solutions to the deficiencies in remoteness funding for Indigenous child welfare" as found by this Tribunal. The main objective of the RQ Table was "to develop a remoteness quotient that can be used for funding First Nation child welfare agencies that serve various remote communities."
12. By way of order dated March 29, 2017, this Tribunal adopted the Terms of Reference and ordered INAC and NAN to "work to develop and implement an immediate relief funding formula for the three FNCF[S] Agencies that serve NAN communities, in accordance with the Terms of Reference" (*First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2017 CHRT 7, at paras 21, 24). The Terms of Reference are included as an annex to the decision.
13. INAC and NAN agreed that Dr. Tom Wilson and the Barnes Management Group, of which David Barnes is the principal, would be hired as experts to further the work of the RQ Table. We decided that the experts' work would be divided into phases.

14. The RQ Table met regularly until March 2019, inclusive.
15. ISC and NAN jointly filed the experts' Phase I report with the Tribunal on September 8, 2017. The Phase I report provided calculations on what immediate relief funding for the NAN agencies should look like.
16. ISC and NAN jointly filed the experts' Phase II Interim Report ("the Interim Report") with the Tribunal on August 22, 2018. Part of what the Interim Report does is establish that the Casino Rama Formula being used by Indigenous Services Canada to distribute various pools of child-welfare-related monies to First Nations in Ontario is inequitable and inappropriate. The Casino Rama Formula does not sufficiently account for the increased costs of providing child and family services in remote communities.
17. NAN filed the experts' Phase II Final Report ("the Final RQ Report") on March 29, 2019. This was done after ISC suggested, and NAN agreed it made sense, to have an independent third party reviewer assess the experts' work to validate it. NAN hired Dr. Martin Cooke, whose name was provided by ISC, to conduct this review. The Final Report passed third party review on February 22, 2019, and NAN asked Dr. Cooke to prepare one further report to validate the experts' calculations. Dr. Cooke completed this in early March of 2019.
18. A crucial part of the Final RQ Report is the calculation of remoteness coefficients for 43 agencies in Ontario. An agency's remoteness coefficient represents the degree to which additional funding would be required to provide the agency with funding equivalent to comparable non-remote agencies, to account for increased remoteness costs.



## II. Next Steps: A National RQ Table

19. The RQ work has generated much interest amongst leadership representing the interests of remote First Nations in various jurisdictions. Leaders are interested in determining how the increased costs their communities face due to remoteness can be quantified.
20. The Final RQ Report explains that the method developed by the experts to calculate remoteness coefficients and remoteness quotients can be applied in regions other than Ontario, provided that similar data to that used by the experts is available. Thus, national application of the RQ work is not a one-size-fits-all exercise. Rather, it involves plugging region-specific data into the model presented in the Final RQ Report.
21. NAN has been engaging with multiple parties, including Manitoba Keewatinowi Okimakanak (“MKO”), the Federation of Sovereign Indigenous Nations (in Saskatchewan), Treaty 8, and more, about the potential of applying the RQ model elsewhere. The Assembly of First Nations (“AFN”) has provided positive consultative advice. We expect this collaboration with the AFN will assist in the selection of a pilot study in another region, to be overseen by a National RQ Table. To date, MKO Grand Chief Garrison Settee and Treaty 8 Grand Chief Arthur Noskey have agreed to sit with NAN on this National RQ Table.
22. I understand that the model in the Final RQ Report is a robust one capable of relying on local data that is regionally generated to create remoteness coefficients and remoteness quotients for specific communities/agencies in question. The National RQ Table will be responsible for overseeing the required data collection and having these data plugged into

the model set out in the Final RQ Report to arrive at regional-specific remoteness coefficients and quotients in another region.

23. NAN is seeking an order for Canada to fund the National RQ Table, which would include covering travel and accommodation costs for meetings, and fees to hire experts for the pilot project.

### III. NAN-Mandated Agencies

#### Refresher on the NAN Agencies

24. Currently, child and family services are provided by three NAN mandated children's aid societies ("CAS"): (1) Kunuwanimano Child and Family Services ("Kunuwanimano"); (2) Payukotayno James and Hudson Bay Family Services ("Payukotayno"); and, (3) Tikinagan Child and Family Services ("Tikinagan") (collectively, "the NAN agencies").
25. The NAN agencies are designated as children's aid societies under the *Child, Youth, and Family Services Act, 2017*, SO 2017, c 14, Sch 1 ("the Act") and have all of the functions of a society under the Act.
26. Payukotayno serves seven NAN First Nations in the eastern portion of NAN territory, along the Hudson and James Bay coasts. Several of these First Nations are accessible by air only, except in the winter when waters freeze over and winter roads can be built. Payukotayno directly serves six of these First Nations; the seventh is affiliated with Payukotayno as it has many members living in Moose Factory or elsewhere in Payukotayno's region. Payukotayno was designated in April 1987 and is a multi-service child welfare agency.

27. Tikinagan, located in Sioux Lookout, serves 30 First Nations communities in the western portion of NAN territory. Tikinagan was created by the Chiefs of NAN in 1984 to serve children and families in ways that respect the particular culture and unique needs of NAN communities. Payukotayno and Tikinagan were the first Aboriginal agencies to be recognized as child protection organizations in Ontario. Tikinagan is the largest designated Indigenous CAS by both geography and budget size.
  
28. Kunuwanimano received full designation under provincial legislation in May 2015; however, Kunuwanimano began operations much earlier, in 1989, as a child and family services agency. Located in Timmins, the Kunuwanimano catchment area encompasses a broad region in Northeastern Ontario that ranges from Hornepayne First Nation to Matachewan First Nation and includes eleven First Nation communities all located within NAN territory.
  
29. As a result of the large geographic area and the isolation of the communities that Kunuwanimano, Payukotayno, and Tikinagan serve, staff are often required to make numerous flights to provide services in their catchment areas, where the needs exceed the services available within the community.
  
30. NAN has been intimately involved with advocating for the designation of the NAN agencies. NAN continues to advocate for a model of service delivery that expands the capacity and the assertion of jurisdiction over First Nations child and family services; however, there continue to be a number of factors that make adequate and equitable service delivery in all NAN communities challenging.

Refresher and Update on Child and Family Services Challenges in Remote Communities

31. Providing child welfare services in remote and northern communities poses a number of significant challenges. In my affidavit of May 2016, I briefly summarized a series of challenges which are either unique to remote communities and/or are exacerbated by the isolation of NAN communities. I repeat that summary here, adding some relevant updates:

- i. **Transportation** is a major challenge in the North. Accessing remote and isolated communities is a time-consuming and expensive exercise. Many NAN communities do not have year-round road access. Ice roads provide access in the winter months, requiring lengthy travel times. During the rest of the year, air travel is the only option. The high cost of travel to provide services is a significant part of NAN agencies' expenditures. By way of example, I am informed by the Associate Director of Payukotayno, Geraldine Cheechoo, and believe it to be true, that Payukotayno spends about \$13,000/day, four days per week, every week of the year with the exception of the week of Christmas, on regular charter flights. These charters transport workers who live in Moose Factory to the NAN communities served by Payukotayno. In total, this comes to approximately \$2.7 million annually on daily charters for Payukotayno. This figure does not include special charters that have to be ordered in specific circumstances, such as when a child is being apprehended/taken to a place of safety.
- ii. **Staff recruitment and retention** is also challenging in the north, particularly with regards to attracting, developing and keeping qualified staff in communities. Communities are isolated and the population is dispersed amongst a large land mass. There is a stigma against child and family service workers which is a byproduct of the legacy of the "Sixties Scoop" and the association of child and family services with the removal of children from the community. Additionally, there are challenges obtaining accreditation for local community workers who wish to work in the field. I have heard recently from the Executive Directors and/or Associate Executive Directors of the NAN agencies, and I

believe it to be true, that their budgets do not enable them to pay their staff competitive salaries that take into consideration the increased cost of living in northern and remote communities as well as the fact that extra incentives may be required to recruit staff to work in such communities. By way of further example, the Executive Director of Kunuwanimano has informed me, and I believe it to be true, that Kunuwanimano's budget for training is woefully inadequate. These factors, amongst many, lead to a high turnover of staff and community professionals. I share the opinion of the Associate/Executive Directors that if the agencies' budgets were increased to allow them to pay competitive, attractive salaries and to allow them to invest more in staff training and development, this would help greatly with staff recruitment and retention, and this in turn would provide more operational stability for the agencies.

- iii. **Access to suitable housing** remains a serious challenge in NAN communities. Housing shortages create living environments where many people are forced to share one home, and the conditions of housing structures in NAN communities are often substandard. I know that this Tribunal has already recognized that poor housing is a risk factor for child and family services involvement (e.g. 2016 CHRT 2 at paras 120, 161). The shortage of available housing in NAN communities makes it difficult for the NAN agencies to hire staff from outside the communities and poses a barrier to finding suitable foster homes. I know this reality, too, has already been recognized by this Tribunal (e.g. 2016 CHRT 2 at para 233). In 2014, the NAN Chiefs declared a Collective Housing Emergency, and reasserted this emergency in 2018. NAN is developing a NAN Housing Strategy. This is discussed in my affidavit of April 3, 2019, which I understand was filed with this Tribunal on that date, and to which I attached a copy of the September 2018 report, "Nishnawbe Aski Nation Response to the First Nations National Housing and Infrastructure Strategy";
- iv. **The lack of other social services** for both children's services and other social programs is a common factor in small and remote First Nations communities. This creates an environment where child and family services are being offered

without the associated necessary supports. This impacts the performance and quality of child and family services and increases the burden on NAN agencies operating in such an environment;

- v. **High cost of food** represents a significant challenge faced by families in NAN communities who are trying to feed their children healthy, nutritious foods. The high cost of food is directly related to the geographic and socio-demographic characteristics of NAN communities. As a result of the high cost of food, many families are forced to rely on more affordable calorie-rich but nutrient-poor foods;
- vi. **Health problems** afflict NAN communities to a higher degree when compared to other regions. NAN territory has one of the highest diabetes rates in the country, as well as increasing incidences of child obesity, heart disease and other chronic diseases which have been directly linked to access and consumption of nonnutritious food. Financial hardships and barriers to accessing health services make coping with health problems more difficult and exacerbate existing medical conditions;
- vii. The **high cost of heat and hydro** adds to the burdens faced by NAN communities. Many NAN communities rely on diesel fuel power generation and have been experiencing high energy bills which increases stressors on families to make ends meet;
- viii. **Economic poverty** is particularly pronounced in many NAN communities as a result of many factors, including those described above. I know that this Tribunal has already recognized that poverty is a risk factor for child and family services involvement;
- ix. A **suicide epidemic** has thrown several NAN First Nations into crisis. I reported in my affidavit of May 2016 that there had been more than 500 suicides across NAN First Nations from 1986 to 2016, involving more than 70 children aged 10-14 and nearly 200 youth aged 15-20. In 2017, the year following the swearing of my May 2016 affidavit, we saw a record number of suicides within NAN

territory, totaling more than 35 in a single year. This included the suicides of 11 children under the age of 15 years old, and the suicides of nine youth between the ages of 15 and 20 years old. This Tribunal has already heard about some of these tragedies, including specifically the young girls from Wapekeka First Nation who took their own lives in January of 2017 after ISC failed to process a request for funding from the community to support children and youth at risk of suicide. This honourable Tribunal will recall that ISC's agreement to work with NAN on a Choose Life Working Group was sparked by this tragedy. I am happy to report that I have visited many NAN First Nations who have shared the positive impact that Choose Life is having in their communities. I believe that the success we are seeing at this point with Choose Life helps reinforce the importance of empowering communities with the resources needed to implement community-based solutions. Child and youth suicides in NAN in 2018 and 2019 have been significantly lower than in 2017. I am hopeful that this trend will continue, as we see the positive impacts of Choose Life;

- x. **Funding inequities** continue to contribute to and exacerbate the challenges described above.

32. There is public anxiety and public concern about the underfunding of NAN agencies and the consequences of the limitations that such underfunding imposes on them. Attached as **Exhibit "A"** to my affidavit is an APTN article from September of this year entitled "Death as Expected: Inside a child welfare system where 102 Indigenous kids died over 5 years."

33. Furthermore, the unique challenges posed by remoteness in the context of child and family services was highlighted in a report published by the Office of the Chief Coroner of Ontario in September of 2018 and entitled "'Safe With Intervention': The Report of the Expert Panel on the Deaths of Children and Youth in Residential Placements" ("the Expert Panel's report"). In the first six months of 2017, five youth died while in care, in residential placements. The Expert Panel was struck to review these deaths and those of, eventually,

seven other youth who also died while in residential placements. Eight of the 12 youth were from First Nations communities in northern Ontario. The Expert Panel noted, in part, the following:

Inadequate shelter, water and food in the young people's home communities was a striking feature of the young people from remote communities. Many of the young people did not have equitable access to education, healthcare, including mental health care, social services and recreational activities.

Attached as **Exhibit "B"** to my affidavit is a copy of the Expert Panel's report.

#### Update on Agency Budgets and Remoteness Funding

34. I am not aware of ISC making immediate relief payments to the NAN agencies in accordance with the calculations done by the experts and found in their Phase I Report which was jointly filed by ISC and NAN on September 8, 2017.

35. According to the most recent information I have, and which I believe to be true, the budgets provided to the NAN agencies by the Province of Ontario in 2018/2019 and 2019/2020 are approximately as follows:

- **Tikinagan:**
  - 2018/2019: \$51,752,844
  - 2019/2020: \$52,437,585
- **Payukotayno:**
  - 2018/2019: \$14,289,255
  - 2019/2020: \$14,471,663
- **Kunuwanimano:**
  - 2018/2019: \$12,289,278
  - 2019/2020: \$13,775,053



36. I have been informed and believe it to be true that ISC has provided the agencies with some additional remoteness funding for these fiscal years, approximately as follows:

- Tikinagan:
  - 2018/2019: \$4,472,873
  - 2019/2020: potentially \$4,472,873 (claimed, but not yet approved/received)
  
- Payukotayno:
  - 2018/2019: \$1,919,000.26
  - 2019/2020: \$1,019,999.79
  
- Kunuwanimano:
  - 2019/2020: \$217,070.33

37. The RQ experts, Dr. Tom Wilson and David Barnes, inform me that they do not believe this additional remoteness funding is adequate or data-informed.

38. Additionally, it does not make sense that the agencies have to submit claims to receive remoteness funding; they are clearly remote agencies serving remote First Nations and remoteness necessarily increases the costs of providing child and family services.

39. Furthermore, the Executive Directors and/or Associate Executive Directors of the NAN agencies continue to express their frustration with inadequate funding levels. By way of example, Ms. Cheechoo informs me, and I believe it to be true, that because of its past deficit and forecasted future deficit, Payukotayno had to have weekly budget reviews with the Ontario Ministry of Children, Community and Social Services between February and the end of April 2019. Ms. Cheechoo informs me, and I believe it to be true, that this was a huge human resource drain for the agency. Ms. Cheechoo informs me, and I believe it to be true, that she and her team kept trying to explain to the Ministry the reality they are working

with: they cannot provide the high quality of service deserved by the children, families, and communities they serve *and* stay within budget. It is one or the other.

40. ISC now has the data it claimed to lack in the Fall of 2016. ISC can no longer rely on lack of data as a reason to not adequately fund remoteness costs.

#### **IV. ISC's Continued Use of a Gambling Formula to Fund NAN Children**

41. Since it started providing child and family services funding directly to Ontario First Nations in 2016, ISC has been taking an approach that is pitting north against south. ISC's approach is creating and stoking tensions between First Nations in the province and is also prejudicing remote and northern First Nations.

42. ISC has consistently divvied up fixed pools of child and family services funding by relying on a formula that is completely inappropriate for the context and that perpetuates underfunding of remote First Nations in this regard. Specifically, ISC has been using the Casino Rama Formula (also called the Ontario First Nations Limited Partnership formula), a formula developed to distribute gambling revenues and whose remoteness envelope is an inadequate 10%.

43. In Budget 2016, Canada introduced a fixed pool of funds, Immediate Relief Prevention funding, to be provided directly to First Nations in Ontario for child and family services. In Budget 2018, Canada introduced two more pools of child and family services funding also to be provided directly to First Nations in Ontario: "Ramp-up" funding and "Community Well-Being Jurisdiction Initiatives" funding.

44. Despite jointly filing, in August of 2018, an expert report that (a) establishes the inappropriateness of this gambling formula for the child and family services context and (b) emphasizes the inequity it creates for remote First Nations, ISC continues to rely on this formula. It did so most recently over the late spring and summer of 2019.
45. NAN rejects the validity of this gambling formula for distribution of child and family services funding and has made this known to ISC.
46. On August 10, 2017, NAN Chiefs in Assembly passed a resolution (Resolution 17/66) directing that INAC provide additional Immediate Relief funding to NAN First Nations based on the findings of the RQ Table and its research. Attached as **Exhibit "C"** to my affidavit is a copy of Resolution 17/66.
47. On November 15, 2017, the NAN Chiefs in Assembly passed a resolution (Resolution 17/87) asserting that the Casino Rama Formula is no longer a valid or acceptable basis for future distribution of child welfare funding. The resolution further directed that any future distribution of funding be informed by the findings of the Remoteness Quotient Table and associated research. Attached as **Exhibit "D"** to my affidavit is a copy of Resolution 17/87.
48. By way of letter dated May 30, 2019, NAN Grand Chief Alvin Fiddler wrote to the honourable Seamus O'Regan, at the time Minister of Indigenous Services Canada. Grand Chief Fiddler expressed his frustration with ISC's refusal to date to implement the RQ work, including ISC's continued reliance on the Casino Rama Formula for determining funding distributions to NAN First Nations. Attached as **Exhibit "E"** to my affidavit is a copy of the letter from Grand Chief Fiddler to Minister O'Regan dated May 30, 2019.

49. Attached as **Exhibit “F”** to my affidavit is a copy of Minister O’Regan’s response to Grand Chief Fiddler, dated August 13, 2019. Rather than address NAN’s concerns, ISC continues to drag its feet with RQ implementation at the same time that it forges ahead with its efforts to pit north against south.
50. This “divide and conquer” strategy is a well-known colonial tool. It is upsetting and angering to see ISC continue to use this approach, particularly when it is the well-being of our children that is at stake. ISC should accept NAN’s rejection of a gambling formula as the basis to determine funding for NAN’s children, and should fund NAN First Nations in accordance with the RQ work.

#### V. Calls to Justice

51. On December 8, 2015, the Government of Canada announced the launch of an independent National Inquiry to address the high number of missing and murdered Indigenous women and girls, including those identifying as two-spirited, lesbian, bisexual, transgendered and queer. The National Inquiry officially began on September 1, 2016.
52. NAN participated in the inquiry process, calling witnesses and making submissions.
53. In 2017, the Inquiry published an Interim Report, a copy of which is attached as **Exhibit “G”** to my affidavit.
54. On June 3, 2019, the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*, was released in ceremony after approximately three (3) years of family statement gathering, expert and knowledge keeper

testimony, and comprehensive research. Copies of the two volumes of this final report are attached as **Exhibits “H” and “I”**, respectively, to my affidavit.

55. The Inquiry also released *A Legal Analysis on Genocide: National Inquiry into Missing and Murdered Indigenous Women and Girls Supplementary Report* (“the supplementary report”). This supplementary report explains that “[t]he National Inquiry is of the opinion that the definition of genocide in international law, as it stands, encompasses the past and current actions and omissions of Canada towards Indigenous Peoples” (p. 7). A copy of this supplementary report is attached as **Exhibit “J”** to my affidavit.

56. The Final Report concludes that “[t]he Canadian state has used child welfare laws and agencies as a tool to oppress, displace, disrupt, and destroy Indigenous families, communities and Nations. It is a tool in the genocide of Indigenous Peoples” (p. 355).

57. The National Inquiry issued “Calls to Justice” which it describes as non-optional legal imperatives. Many relate specifically to First Nations child welfare. It appears, however, that Canada is treating the Calls to Justice as optional. NAN has grown frustrated with Canada’s lack of action in responding to the Calls to Justice.

58. The National Inquiry emphasized that the Calls to Justice are to be interpreted and implemented in an equitable and non-discriminatory way, addressing the needs of distinct Indigenous Peoples, and taking into account factors that make them distinct, including but not limited to geographical or regional specific information and remote and northern realities (p. 172).

59. Given that the Calls to Justice explicitly address First Nations child and family services, the Inquiry specifies these Calls to Justice must be implemented in an equitable manner accounting for remoteness, and Canada has not taken sufficient action to implement the Calls to Justice, NAN is turning to this honourable Tribunal for an order for Canada to implement child welfare-related Calls to Justice.

## VI. Conclusion

60. In 2017, NAN came to the Tribunal in tragic circumstances, seeking relief in the form of a Choose Life order to provide NAN First Nations with financial resources that would enable them to support their most vulnerable children and youth to keep them alive. With the Tribunal's encouragement and oversight, Canada and NAN were able to work together to make meaningful changes in the lives of children and youth in NAN through development of the Choose Life program.

61. Choose Life has empowered NAN First Nations to offer hope and culturally appropriate support to their children and youth, and it is literally saving lives. According to information I received through ISC in June of 2019, as of June 5, 2019, approximately \$122 million in funding has been approved through Choose Life to support NAN communities in implementing culturally appropriate community-based programming to over 20,000 high-risk children and youth.<sup>1</sup>

62. NAN continues to lose too many children and youth to suicide. But the numbers appear to be heading in the right direction, significantly down from the record-high in 2017, when 20 children and youth under the age of 21 died by suicide. Seeing the work being done through


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<sup>1</sup> It should be noted that the 20,000 children and youth are not 'unique participants,' as the same youth could attend one or more programs funded by the Choose Life Project in a particular community.

Choose Life in various NAN communities is one of the most encouraging developments I have witnessed in my tenure as Director of Social Services. I am thankful that this Tribunal has made that work possible, and thankful that ISC has worked in partnership with NAN to create transformative change.

63. But with the RQ work, we have reached a logjam. That is why NAN is turning again to this Tribunal. We are once again seeking this honourable Tribunal's assistance in creating meaningful relief for the children, youth, and families of NAN.

64. I make this affidavit in support of NAN's motion seeking relief in relation to the RQ work and Calls to Justice, and for no other or improper purpose.

**AFFIRMED BEFORE ME** this )  
3<sup>rd</sup> day of December, 2019, )  
in the City of Ottawa )  
in the Province of Ontario . )  
 )  
A Commissioner etc.  
Mary (Molly) M.D. Churchill  
L.S.O. #72510P

  
Bobby Narcisse

This is Exhibit "A" referred to in the Affidavit  
of Bobby Narcisse affirmed before me on  
this 3<sup>rd</sup> day of December, 2019,  
in the City of Ottawa, in the Province of Ontario.



\_\_\_\_\_  
A Commissioner for taking affidavits, etc.  
Mary (Molly) M.D. Churchill  
L.S.O. # 72510P





(<https://aptnews.ca/>)



## Death as Expected: Inside a child welfare system where 102 Indigenous kids died over 5 years

National News (<https://aptnews.ca/category/national-news/>) | September 25, 2019 by Kenneth Jackson (<https://aptnews.ca/author/kjackson/>) Attributed to: | 0 Comments ([https://aptnews.ca/2019/09/25/inside-a-child-welfare-system-where-102-indigenous-kids-died-over-5-years/#disqus\\_thread](https://aptnews.ca/2019/09/25/inside-a-child-welfare-system-where-102-indigenous-kids-died-over-5-years/#disqus_thread))

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“Every three days. Monday, Tuesday, Wednesday,  
a child connected to care dies...”

**S**eventy-two Indigenous children connected to child welfare died in northern Ontario, where three Indigenous agencies covering most of the territory were underfunded approximately \$400 million over a five-year period.

The number of deaths jumps to 102 Indigenous children when looking at the entire province between 2013 to 2017.

And almost half of the deaths, 48 involving Indigenous agencies, happened in the two years it took Prime Minister Justin Trudeau to respond to multiple orders made by the Canadian Human Rights Tribunal that first found Canada guilty of purposely underfunding on-reserve child welfare in its historic decision on Jan. 26, 2016.

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conscious. It wasn't an accident," said Cindy Blackstock who led the fight against Canada, along with the Assembly of First Nations, to bring Canada to task over discriminating against First Nations children through the tribunal.

But while the federal government may be the bagman, funding at least 93 per cent of on-reserve child welfare, the Ontario government created the system where these children died and provides the law within which the child welfare agencies operate. It's a system that has been found to be a complete failure over and over up until just last year when the chief coroner of Ontario released a special report into the deaths of 12 children who died in care, eight of whom were Indigenous.

As well, the 102 deaths marks the lowest number on record as *APTN's* investigation reveals data was never collected properly over this five-year period.

Many believe it to be much higher.

In fact, while it's improving, Ontario's data collection still faces some serious questions, such as how many Indigenous kids are in care today in Ontario?

No one knows the total number.

*APTN* reporter **Kenneth Jackson** has spent over two years unraveling Ontario's child welfare system beginning with the death of Amy Owen, a 13 year old girl who died by suicide in an Ottawa group home over 2,000 kilometres from her First Nation in northwestern Ontario.

The work was made more difficult because the system – from the agencies to the Ontario government to even the courts – keep information from the public and, as *APTN* encountered, can mislead it at times.

Caught in the middle of all this are the parents left without their children.

This is: Death as Expected.



*(These are just a few of the Indigenous children that died connected to Ontario's child welfare system between 2013-2017. Photo illustration: Alicia Don.)*

Every year the office of the chief coroner in Ontario publishes a document based on the number of paediatric deaths, from newborns to 19 years old, called the Paediatric Death Review Committee report and posts it online. There's never a press release alerting the public, or media, to the report based on approximately 1,100 paediatric deaths on average each year. It is shared with policy makers.

Its purpose is predominately to look for trends in the data to hopefully prevent deaths in the future and a portion of the report focuses on deaths involving the child welfare system.

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Earlier this year, APTN asked the coroner's office if it had the number of Indigenous children that died in care over the last five years. The coroner's office later emailed a chart showing that 19 Indigenous kids died over that period.

APTN knew the number was low having written about so many of these deaths and having knowledge of several more that went unreported.

But the devil is in the details and in this case that meant the footnote on the chart where it said the number was based on how the province defines "in care". That's foster care, group homes, jails and hospitals. But there are many other ways child welfare agencies in Ontario can be directly involved in a child's life.

APTN was then alerted to the most recent paediatric death report for 2017. There was a much larger number: 32 deaths "involving" child welfare.

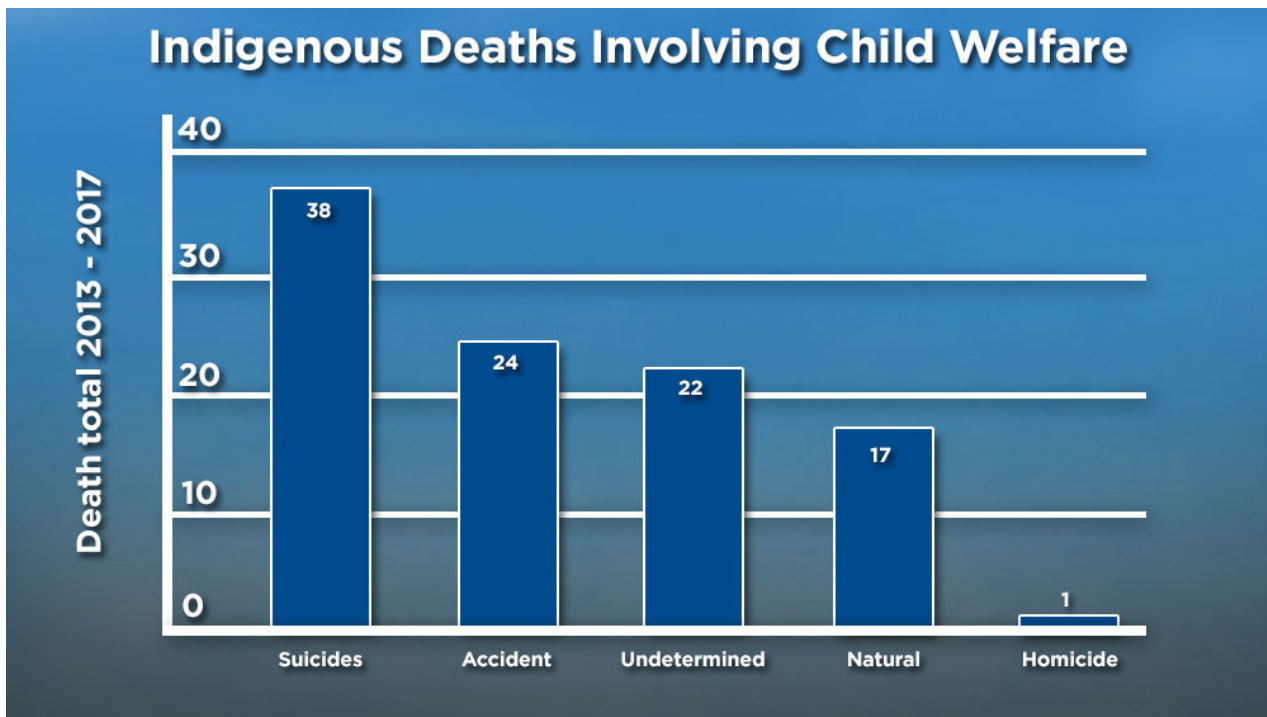
"Involving" is the key word.

The coroner tracks deaths of children who, or whose family, personally had contact with an agency within 12 months of their death. On average, about 70 per cent of the children had an open agency file at the time of their death.

APTN then examined reports going back to 2013 adding up the deaths. The coroner mentions in the reports that the data is limited based on the way the Ontario government collected it.

Still, it was the starting point.

But why were these children dying?



(This is the official number of Indigenous children connected to Ontario's child welfare system that died between 2013-2017. Chart: Alicia Don.)

There are 50 child welfare agencies in Ontario, including 11 that are called Indigenous well-being societies (a new Indigenous agency opened last February but is not part of this story). Each submits quarterly reports to the ministry of children, community and social services (formally ministry of children and youth services). The reports are supposed to track every type of care agencies use for children and the funding agencies were allocated.

APTN requested these reports through the Freedom of Information Act covering the span of the 102 deaths and ended up settling on what's known as a roll-up, where this data is put in spreadsheets and added up annually. It was a massive amount of data and not easily readable as some portions were just scanned print-outs of the spreadsheets which meant each had to be individually put in a spreadsheet.

Other parts had the names of agencies cut off for an entire year and we had to compare previous years to match numbers to agencies based on the order they were in.

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expert in child welfare who is typically called upon to investigate systemic issues across the province.

That includes reports for the former Ontario child advocate who had Snow examine what's known as serious occurrence reports that are submitted to the province every time a child in care is hurt, goes missing or dies. Snow was also enlisted by the chief coroner to be part of what's known as a special panel that released a report in September 2018 into the 12 deaths of children in care between 2014 and 2017.

The panel examined each child's file, some over 1,000 pages, and got a look into how agencies operate. Snow, and the other experts, found the system was lacking in almost every area from trained staff, services and foster care. The term "lack of" is mentioned 37 times in the 86-page report.

Snow agreed to help *APTN* analyze the data along with the help of her grad student, Marina Apostolopoulos, and spent the summer going over every number.

Having previously examined the files of northern agencies during the panel review, Snow already knew they were struggling and noticed quickly that funding was drastically lower for Indigenous agencies in northern Ontario. She developed a formula to compare funding to non-Indigenous agencies in southern Ontario with similar caseload, like average children in care annually.

Snow knew these three Indigenous agencies were underfunded by approximately \$400 million between 2013 to 2017: Tikinagan Child and Family Services that serves over 30 First Nations in northwestern Ontario, Dilico Anishinabek Family Care serving 13 nations around Thunder Bay and Payukotayno: James and Hudson Bay Family Services, which includes Attawapiskat.



The three agencies cover most of northern Ontario and *APTN* can also confirm deaths with each. The number rises to \$500 million if you go back just one more year to 2012.

"You have less funding, you have less qualified staff, you have a more crisis-like response and you often have to fly people from one place to another to find a place of safety," said Snow, explaining how much more difficult it is for these agencies compared to, say, Windsor-Essex Children's Aid Society.

Windsor had an average of 613 children in care in 2013 and was allocated \$56 million, while Dilico had an average of 583 kids in care and was allocated \$26 million. It only gets worse.

Even as Windsor's children in care went down its funding increased. Dilico's kids in care would stay the same and saw barely an increase over the next four years. In total, Dilico was underfunded approximately \$137 million in comparison in five years.

"The end result is kids die. Kids are always at the epicentre of structural inequality," said Snow.

But families don't see the funding issues when agency workers show up to remove their children, mostly due to poverty-related issues. Snow

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The families APTN interviewed see the agencies as the enemy.

That includes the family of Kanina Sue Turtle who died Oct. 29, 2016. She was 15.

There are suing (<https://aptnnews.ca/2018/09/27/kanina-sue-turtles-family-sues-tikinagan-for-5-9m-over-her-wrongful-death-in-foster-home/>) the agency for \$5.9 million, alleging Tikinagan is at fault for Turtle dying by suicide in one of their short-term stay homes – known as an agency-operated home – in Sioux Lookout.



*(Kanina Sue Turtle's brother Winter Suggashie, left, and her mother Barbara Suggashie walk for suicide awareness in the summer of 2018. They were also walking to the foster home where Turtle died by suicide. Barbara would go in the room for the first time. Photo: Kenneth Jackson/APTN)*

Turtle filmed her death which was first reviewed, and reported, by APTN in late February 2018. It shows she was left alone for more than 46 minutes despite being chronically suicidal. APTN went on to report she missed every scheduled appointment with a crisis counsellor in the five days before her death and that Tikinagan suspected she was part of a suicide pact. Tikinagan also kept her three suicide letters from her family for over two years.

Tikinagan denies in court documents that the agency is to blame for the death, but has filed a cross-action in the claim suing the Sioux Lookout hospital and doctors saying if anyone is at fault it's them.

Shortly after Turtle died her girlfriend, Jolynn Winter, 12, also died by suicide while at home in Wapekeka First Nation. After Turtle's death she tried to kill herself and was sent to Wapekeka for what is believed to be the first time in her life. APTN previously reported her grandmother didn't know Winter was her granddaughter until Tikinagan returned her home a couple months before her death Jan. 8, 2017.

Then Amy Owen died by suicide in Ottawa. Both she and Kanina were from Poplar Hill First Nation.

Owen's family is also suing Tikinagan and the private group home operator, Mary Homes. Both deny all allegations and have also blamed each other in court filings. Owen, like Turtle, was left alone while chronically suicidal. The coroner said she was alone for an hour, while Mary Homes alleges 10 minutes, according to allegations based on the contents of documents filed in court that have not yet been proven in court.

Soon after Owen's death another child in Tikinagan's care died. Tammy Keeash, 17, was found in a Thunder Bay waterway on May 6, 2017, which was later ruled to be an accidental drowning. It enraged her mother, Pearl Slipperjack, who was angry at Tikinagan, as well as her family who gave her copious amounts of alcohol the night of her death and then left her passed out on a hill in Chapples park. Tammy was supposed to be under 24-hour watch by the foster home where she was placed.

Slipperjack passed away the following summer from natural causes, but before her death she told APTN she had a lawyer and was going to sue

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Shortly after Slipperjack's death, and before the special panel report was released in September 2018 that included Tammy's death, *APTN* got an anonymous tip in Ottawa about a civil action between Tikinagan and Dilico involving Tammy's death and "others" filed at the Thunder Bay courthouse.

*APTN* pulled hundreds of pages from the case that outlined a turf war between the agencies dating back to the summer of 2016.

Dilico filed an emergency injunction to stop Tikinagan from placing children in Thunder Bay foster homes, arguing it was Dilico's jurisdiction and any Indigenous kid in care in the city was under its oversight. Tikinagan disagreed and battle lines were drawn eventually turning into mediation with Sen. Murray Sinclair overseeing it.

It remained at a standstill for about a year until Tammy died. Days after her death Dilico filed another emergency injunction.

This time Dilico named Tammy as a reason why Tikinagan shouldn't be able to place kids in Thunder Bay and keep authority over them.

This resulted in a fury of filings and more documentary evidence submitted, which *APTN* obtained.

*APTN* later published this story: Foster homes investigated 7 times within a year but Ontario didn't close them until Tammy Keeash died: court documents (<https://aptnnews.ca/2018/11/15/foster-homes-investigated-7-times-within-a-year-but-ontario-didnt-close-them-until-tammy-keeash-died-court-documents/>)



*(A cross still marks the spot where the body of Tammy Keeash, 17, was found in Thunder Bay. Photo: Kenneth Jackson/APTN)*

*APTN* traveled to Thunder Bay to check for anything new in the civil filing in late February 2019.

*APTN* gave the civil counter clerk the court file number. A few minutes later she wheeled over a large cart about a metre and a half tall stacked with large folders.

Within five minutes another court worker appeared and asked for the documents back.

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She said she wasn't "comfortable" with *APTN* having the documents.

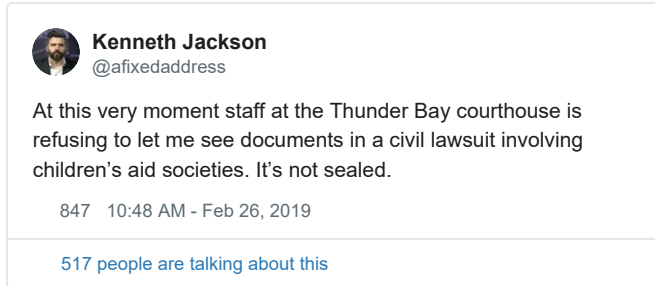
(Tikinagan had failed to have the documents sealed a year prior. Portions of the documents were supposed to be redacted so no child could be identified.)

This happened in a matter of a few minutes.

*APTN* pushed to speak to a manager and soon Laurie Kopanski appeared, a middle-aged Caucasian woman with dark, dirty blond hair.

She repeated she wasn't sure she could allow *APTN* to view the files through thick security glass at the counter because she had a "concern." When *APTN* asked what it was she wouldn't say.

It was around this time that *APTN* went to Twitter to report what was happening.



"I need to speak to the judge," said Kopanski, adding it may take a couple days.

That wasn't good enough. It needed to happen immediately.

The judge on the case, Justice Bonnie Warkentin, told Kopanski there was no sealing order but she needed to ensure the files had been redacted by calling Tikinagan, the defendant in the case. Later that day *APTN* returned to the courthouse to speak with Kopanski again.

*APTN* informed her it had previously viewed the file and paid money for copies.

"I had a concern over what was publicly accessible," she said.

*APTN* hired a lawyer to push for access. A letter from the attorney general's office to *APTN* claimed staff had noticed redactions hadn't been made.

"Despite the files having been previously viewed in 2018, court staff noticed that the redactions that had been made did not appear to effectively redact information ... Ms. Kopanski sought Justice Warkentin's direction..." said Vaia Pappas, a director of court services in a March 13, 2019 letter.

While it was later confirmed some redactions were done poorly, it took lawyers from Tikinagan and Dilico several trips to the courthouse to confirm, it simply couldn't have been done in the handful of minutes court staff were claiming in the letter.

Letters continued to go back and forth between lawyers until finally *APTN* was given access in late April earlier this year.

*APTN* flew back up to Thunder Bay to view the files but this time asked to see all lawsuits involving Tikinagan and Dilico going back five years. Tikinagan had a couple unremarkable dismissed cases, but not Dilico.

Up until this point *APTN* had only heard stories about Dilico.

Documents in the courthouse confirmed deaths of infants, another case where a child was placed in the home of a registered sex offender (<https://aptnnews.ca/2019/05/23/foster-child-placed-in-home-of-registered-sex-offender-in-thunder-bay-court-documents/>) and allegations of an agency in apparent disarray around the same time in 2014.

Soon the death total rose to four cases involving dead infants (<https://aptnnews.ca/2019/06/13/four-dead-babies-in-care-with-one-common-theme-dilico-anishinabek-family-care/>) within seven months involving Dilico.

Once *APTN* published stories about Dilico and the deaths of infants more and more people started contacting *APTN* with their own stories. It wasn't necessarily always about deaths but about the fear running through the communities.

One mother told *APTN* it took months for Dilico to respond to her lawyer because she was revoking her consent to have her children in care.

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Nation as support.

Dilico made a shift to this type of care just before 2014, according to former employees and confirmed by the data Dr. Kim Snow analyzed.

In fact, Dilico went from 19,771 days of customary care in the 2012/13 fiscal year to 78,142 days the following year.

It's only gone up from there.



*(Dilico Anishinabek Family Care's headquarters is located on Fort William First Nation next to Thunder Bay, Ont. Photo: Jason Leroux/APTN)*

However, Marco Frangione, a lawyer who represents families in child welfare cases in northwestern Ontario, said these agreements are often signed under duress and without a lawyer across all agencies.

"In the overwhelming majority of cases these agreements are drafted without the benefit of legal council," said Frangione. "They are told if they do retain a lawyer there could be consequences and I have seen this time and time again."

And once the agreements are signed, in his experience, they are almost never renewed with the parents participation. That's what happened with Jolynn Winter according to her grandmother who told APTN last year that while she was councillor at Wapekeka she remembered signing customary care agreements every six months for someone named Jolynn, extending her care, only she didn't know it was her granddaughter at the time.

"I can state seeing children not having access to their parents or seeing their parents infrequently is certainly the norm," said Frangione. "The parents, often times, think they are doing something in their child's best interest but they don't really know how the child or children are being cared for, to what extent visitation will look like and how the agencies will help better the primary families so that reintegration can ultimately happen. Customary care becomes the focus as opposed to customary care with a focus on reintegration."

He said agencies and nations call it "culturally appropriate" when that's "not often" the case, according to his experience, such as when Kanina Sue Turtle died in a Sioux Lookout foster home owned by Tikinagan with a "live-in parent" who was hired to be there on a contract-basis. The same goes for Amy Owen, who died in a non-descript two-story home on the outskirts of Ottawa that included some trips to a local Indigenous centre.

Dilico, in Frangione's experience, is the most difficult to deal with on files.

For one, Frangione said Dilico forces him to review case files at their office while being watched, when all other agencies send the files by email. This is also known as disclosure, a basic evidentiary procedure in the Canadian court systems where the Crown provides the evidence against the accused in a timely manner. The same applies to child welfare cases.

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to as first reported (<https://aptnnews.ca/2019/06/17/thunder-bay-mother-accuses-dilico-of-kidnapping-children-after-lawyers-letters-ignored/>) by *APTN*. Dilico ended up returning the children without a fight said Frangione.

*APTN* tried to get Dilico to go on the record for this story but after several conversations with Darcia Borg, its executive director, it never happened. The content of those conversations were off the record.

**Watch Kenneth's story Death as Expected:**

11:03



The first conversation with Borg was in person because this story pulled *APTN* back to Thunder Bay in early August to find Alicia Jacob.

Jacob attempted to sue Dilico over the death of her son, Talon Nelson on October 29, 2013.

Talon was three months old when he died in a crowded crib of a Thunder Bay foster home. The coroner would call it an unsafe sleeping arrangement, however no one was ever charged. The foster parent was a registered nurse.

"Undetermined cause of death, too many stuffed animals in a f\*\*\*ing sleeping environment," she screamed when speaking to *APTN* when we found her in early August.

This is child welfare in northern Ontario at its worst. A baby is dead and the mother lost on the streets.

"I never used to be like this ... I have so much anger," Jacob sobbed.

After the infant's death his father Nazareth Nelson hit drugs hard. People say he was on some heavy street drugs brought in from Toronto gangsters the night he killed a man in 2017. He was later convicted for the murder of Burt Issac Wood.

Their lawyer was Christopher Watkins, and just a few months after the lawsuit was filed it was dismissed without costs. During this time Watkins was struggling himself and the Ontario law society suspended his license back in 2018 due to "a history of failing to attend court appearances in criminal proceedings dating to at least 2012."

Watkins issued a public apology saying personal and health problems were to blame.

*APTN* emailed several of Watkins' email addresses seeking clarification on why the lawsuit was dismissed.

This was the only response verbatim: "Hi this up and working and interesting journey to convey. Christopher."

*APTN* never heard from him again.

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sleeping arrangement is unsafe and, in Ontario, 22 Indigenous children died in this manner between 2013 to 2017.

"The deaths of infants is very challenging ones in death investigations generally because in sudden and unexpected deaths of infants, so infants under one, we often unfortunately upwards of a significant percentage of time do not find a cause a death," said Dirk Huyer, the chief coroner of Ontario, who is largely seen as someone trying to make incremental change within the system.

"The truth is we don't know and use a term undetermined which is kind of a harsh term but it means we don't know. So we say we don't know. We say the environment may have been a factor but we don't know if it was a factor."



(<https://aptnnews.ca/wp-content/uploads/2019/09/Breanne-LeClair1.jpeg>)

(Breanne LeClair said getting her late son's autopsy report and seeing 'undetermined' added insult to injury. Photo: Kenneth Jackson/APTN)

Breanne LeClair's late son Kyler was one of the 102 and also undetermined.

Kyler was in what's known as a kinship out of care agreement.

That means an agency was involved but he was living with relatives.

In his case, the agency ordered Kyler to live with his Caucasian father.

That was in January 2014 just days after he was born.

To this day it's difficult for LeClair to talk about.

"My ex and his mom agreed to sign for the kinship so if you sign this document they've agreed to let you go with them and the baby or we're going to give him the baby," she said, breaking down in tears.

That living arrangement broke down quickly and she had to move out, forced to leave her Kyler behind.

Then one morning her phone rang.

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he said is the baby turned blue. We are on our way to the hospital. I was like what do you mean the baby turned blue?" she recounted.

As LeClair rushed to hospital she called her case worker.

"I just screamed into the phone and I told her if anything happened to him this is on you. This is your fault. You made this decision," she said.

Then she entered the room and saw her baby on a hospital bed.

"I could hear machines that are just beeping, there's people running, moving over each other, there's like three or four detectives in the room, there's like five or six nurses and the doctor. I wasn't really aware of what was going on until I saw him," said LeClair.

Kyler was gone.

His father left him on an adult-sized bed to take a shower.

He was found lifeless 30 minutes later.

Breanne and her family tried to hold someone accountable.

The case worker wasn't a licensed social worker so they couldn't try to hold her to account at the Ontario College of Social Workers.

Then finally the coroner's report came nearly a year later.

The coroner found the sleeping arrangement unsafe but ruled the death undetermined.

"Where no one has to face anything," said LeClair.

No one appears to have ever faced anything in any of these deaths.



*(Dirk Huyer, right, is the chief coroner of Ontario and says despite exhaustive investigations some deaths involving babies have no cause of death. Photo: Jason Leroux/APTN)*

Even the 102 is the lowest number available.

If the child was from on-reserve then it stands to reason their race would be easily identifiable.

"You correctly point out that if children were receiving services from an Indigenous agency, then it is pretty easy to identify them as Indigenous however; we do not systemically obtain race or identity so we do not effectively obtain this information," said Cheryl Maher, spokesperson for the chief coroner. "For children and youth living off-reserve and being served by mainstream societies they would be identified by the service or family of the deceased child. If the child or youth is (First Nation, Inuit, Metis) but not identified, then we have not included them in statistics."

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this day the Ontario government doesn't have a clear picture of how many Indigenous children are in care or involved with an agency in the last 12 months.

That's partly because the system designed to capture the data hasn't worked properly. It's called the Child Protection Information Network (CPIN) and it's a database aimed at tracking the children in the system. However, several non-Indigenous agency directors told APTN issues of duplication have been a problem where the same child is listed in two regions and counted as two individuals.

The province has also been slow to provide a standardized process for data entry. Several of the 38 agencies required to use CPIN only began in recent months despite the system being several years old.

It gets worse.

The former Ontario Liberal government didn't just make it policy to collect identity-based data; it also passed a law in 2017 making it mandatory for the provinces 38 non-Indigenous agencies. But not until July, 1, 2021.

Indigenous child welfare agencies have refused to be on CPIN, and the ministry is still "engaging with Indigenous partners," according a spokesperson.

If you ask the Ontario government how many kids are in care they will say this: "There were 12,651 children and youth in the care of children's aid societies and in customary care (in 2018/19 fiscal year), including: 1,569 First Nations children and youth determined to be in need of protection were in customary care arrangements."

These numbers are not correct but most people wouldn't know the difference.

When these numbers were sent to APTN we challenged the province on it. The next day it responded with a similar statement but with a small change: "In the 2018-19 fiscal year, there were *on average* 12,651 children and youth in the care of children's aid societies and in customary care."

"On average" was italicized by the government.

"Due to admissions to, and discharges from, care the number of children in the care of Ontario's 50 children's aid societies fluctuates. Societies therefore provide the ministry with the average number of children in care over the course of a year. The average number of children in care is an average of the total number of children in care at the end of each month, from March 31 of the previous fiscal year to March 31 of the current fiscal year," said a ministry spokesperson in an email.

Simply put: the system isn't able to give a single-point-in-time number because that number can change day to day. It's just not tracked that way and yet, unless challenged, the government misleads the public and reporters.

Things have only gotten worse under Premier Doug Ford according to Irwin Elman, the former Ontario child advocate.

The Ford government closed Elman's office as the Progressive Conservatives' first move on child welfare after the special panel report came out saying the system was a mess.

Its doors closed earlier this year; the ombudsman's office now handles some of Elman's former responsibilities.

The closure also came while the advocate's office was working on 27 investigations, mainly into foster homes, including the home Tammy Keeash was last in before she died.

Almost everything APTN has written in this story does not come as a surprise to the former advocate.

"To be aware in many ways is to be in a constant state of outrage," said Elman, Ontario's first and last child advocate.

But when Elman's office first opened about a decade ago he noticed something.

"Every three days – Monday, Tuesday, Wednesday – a child connected to care dies. Thursday, Friday, Saturday, a child's died connected to a system that is meant on all our behalf to protect them," he said.

He's right.

During the five-year period between 2013 and 2017 the coroner lists 541 deaths involving child welfare and 102 were Indigenous.

Indigenous people represent less than three per cent of Ontario's population.

So when that child dies they are more likely to be Indigenous.

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It's largely because of Blackstock that the human rights tribunal found Canada guilty of systematically under-funding on-reserve child welfare.

"The tribunal found that Canada's First Nation child welfare funding across the country and Ontario was discriminatory in January 2016 and ordered Canada to stop but it did nothing until the tribunal issued a subsequent order in February 2018," she said.

Based on that order Canada retroactively provided funds to 2016. To date, just in Ontario, the feds have "reimbursed" approximately \$135 million.

But you can't go back in time to save any of these children, no matter how much money you throw at it.

"Children died waiting for Canada. That's the problem with them saying, oh well, we are making good first steps ... be patient with us. The reality is that children's lives are really on the line while we're waiting and many more children lost their lives during the time we litigated this case and for the many years before when they had a chance to fix it," said Blackstock.

The Trudeau government also narrowly squeezed in new legislation for Indigenous child welfare last spring.

But the day Indigenous Services Minister Seamus O'Regan tabled the bill he didn't have a lot of details – particularly when it came to money.

This worries Blackstock who says it's another example of the feds not taking funding child welfare seriously.

"My worry is that we really need to make sure Canada isn't using C-92 as an escape clause for its fiscal responsibilities to First Nation children," she said. "Sure, it recognizes jurisdiction. But no money to implement your programs. And you're dealing with families who are dealing with the weight of multi-cultural trauma from residential schools, from colonialism, starvation policies, taking of land, taking of resources, '60s Scoop, child welfare, all things Canada was directly involved with.

"And they are going to hand it over to First nations and say good luck. I think that is wrong."

Tikinagan didn't respond to APTN and Payukotayno asked for questions to be sent by email but didn't give any answers.

Meanwhile, in August the Ford government put out a call for submissions on how to improve the child welfare system in Ontario.

Earlier this month the human rights tribunal ordered Canada to pay each First Nations child who was in care, or guardian, \$40,000.

As for the title of this story, "Death as Expected" comes from standardized forms, reviewed by Professor Kim Snow, that an agency worker completed when a child in care died of natural causes during her investigation for the former child advocate.

"It was the only words written for the reports on the kids that died as a result of medical fragility," said Snow.

But many of these deaths, from the suicides to the undetermined, were expected said Blackstock.

"It wasn't an accident," she said.

[kjackson@aptn.ca](mailto:kjackson@aptn.ca) (mailto:kjackson@aptn.ca)

– Additional reporting by former APTN reporter Martha Troian, who helped track the number of deaths and APTN reporter Willow Fiddler, who pulled documents from the Thunder Bay courthouse.

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This is Exhibit "B" referred to in the Affidavit  
of Bobby Narcisse affirmed before me on  
this 3<sup>rd</sup> day of December, 2019,  
in the City of Ottawa, in the Province of Ontario.



A Commissioner for taking affidavits, etc.  
Mary (Molly) M.D. Churchill  
L.S.O. # 72510P



# **The Report of the Expert Panel on the Deaths of Children and Youth in Residential Placements**

**September 2018**



This report was developed pursuant to section 15(4) of the Coroners Act, R.S.O. 1990, c. 37, on the basis that it is to be used for the sole purpose of a coroner's investigation, and not for any litigation or other proceedings unrelated to the coroner's investigation. Moreover, the opinions expressed by the Panel will be limited to the information provided and considered for the purposes of the report.

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## *A Message from the Expert Panel*

Dear Dr. Huyer,

We thank you for the opportunity to participate in this very important initiative, and we would like to take the opportunity to share our findings with you.

The Panel found that in the twelve cases of young people that were reviewed, the systems that were involved repeatedly failed in their collective responsibility to meet the fundamental needs of the young people. While no one individual or organization is at fault for these failures, it is important to recognize that it is people that make organizations and systems work – and people that define how they must work.

The young people that were the subject of the Panel's review were in the care of Children's Aid Societies or Indigenous Wellbeing Societies, and they were placed in various environments, including environments referred to as group homes, parent-model foster homes, staff-model foster homes, agency operated homes, residential treatment facilities and foster care treatment homes. They all struggled with developmental and/or mental health challenges. Collectively, they represent a cross-section of the most vulnerable, high risk young people in Ontario.

Ontario's Safety Assessment is a tool used by child protection agencies to determine the level of immediate danger to a child. It considers the immediate threat of harm and the seriousness of the harm or danger given the current information and circumstances. Where imminent danger of harm to a child is present, the process considers which interventions are needed to mitigate the threat to the child. There are three outcomes to this assessment: safe, unsafe, and safe with intervention. The Panel was struck by the frequency with which the young people reviewed were found to be safe with intervention – in the absolute absence of any constructive intervention. None of these young people were safe, in their homes of origin or in most of, and in particular their final, placements. Child protection agencies seemed to be overwhelmingly concerned with immediate risk and more often than not failed to address longer term risks, which the Panel often felt were both predictable and preventable.

The Panel observed responses to challenges experienced by the young people and their families to be primarily crisis driven and reactionary. Often times, young people were identified as safe with intervention following a mental health crisis (e.g. self-harming behaviour, suicide attempt or ideation). The Panel found that in practice 'safe' often translated to a bed to sleep in and 'intervention' translated to 1:1 supervision – actions that are merely a postponement until the next crisis rather than providing meaningful supports to parents and young people that may have addressed issues and/or prevented future challenges.

As a society, we owe a duty of care to these young people; a duty of care that we suggest cannot be met by the system in its current state, despite the existence of well-intentioned workers and caregivers and the desire of many to do good work. We believe that in order to meet their needs, a reorientation of the service system – including all services to young people, their families and communities – is necessary. Ontario's current system is largely reactive, operates in siloes, and focuses on services to the individual rather than the individual and their families and communities. Ontario's most vulnerable young people, those with multiple needs in complex environments, need a system that is intentionally designed to provide wholistic, early, ongoing

and prevention-focused care and treatment that works for them, their families and their communities – and they need it now.

We believe that with intention and commitment to a core set of principles and the implementation of some targeted recommendations, change is possible. The principles we have outlined are not new; they have been asserted, endorsed and recommended by governments, service organizations, advocacy organizations, panels, commissions and bodies many times over the last 25 years, and reflect best practices. We recognize that over time changes have been made to honour them – but the Panel asserts that it has not been enough.

The attached principles arose through our discussions as essential guideposts. We believe that dedication to implementing the concepts and philosophies below in policy and in practice will lead to a wholistic system that improves outcomes for Ontario’s most vulnerable people – those at highest risk, and in greatest need.

The recommendations have been developed with a view to practical and implementable changes that would make a fundamental difference to Ontario’s young people – both now, and over the longer-term. While there is some work happening, we are in agreement that it is not nearly enough – and not nearly soon enough – to effectively safeguard the young people in Ontario’s care.

Change is necessary, and the need is urgent. We ask that those in positions of power and influence, who are responsible for the functioning of the systems, be accountable for fixing them; that they take the lessons learned from the deaths of these young people and utilize them to ensure meaningful change. To that end, we ask you to use your power and influence to ensure that these recommendations do not go ignored, and that those in positions to make change are accountable to the public, and to young people, for their actions in response to these recommendations.

Once again, thank you for the opportunity.

Signed,

The Expert Panel on the Deaths of Children and Youth in Residential Placements:

Ms. Helen Cromarty  
Ms. Sherry Copenace  
Dr. Aryeh Gitterman  
Ms. Joanne Lowe  
Dr. Nathan Scharf  
Ms. Stella Schimmens  
Dr. Kim Snow

## Executive Summary

In the first six months of 2017, five young people died in residential placements. All of the young people were in the care of a Children's Aid Society or Indigenous Child Wellbeing Society (Society), and all of them struggled with mental health challenges.

The public, stakeholders and the Office of the Chief Coroner (OCC) felt that further exploration was required to determine whether this might be representative of a spike or part of a trend. To determine the answers to these questions, the OCC undertook an analysis of the data available to understand how many young people in the same circumstances had died.

The OCC identified a group of 12 deaths of young people in the care of a Children's Aid Society or Indigenous Child Wellbeing Society (Society) that occurred while they were in residential placements between January 1, 2014 and July 31, 2017<sup>1</sup>. All of the young people had a history of mental health challenges.

To inform the investigation of the deaths and provide an opportunity for recommendations to prevent further deaths, the OCC established the Expert Panel on the Deaths of Children and Youth in Residential Placements (Panel).

The Panel was tasked with:

- reviewing and assessing the services and supports provided to the 12 young people;
- identifying any commonalities and/or trends arising out of the review and assessment of the deaths;
- identifying any systemic issues or concerns arising out of the review and assessment of the deaths;
- providing expert opinion on the extent to which current and forthcoming plans, activities, legislation, regulations, policies and practices, including the activities outlined in [Safe and Caring Places for Children and Youth: Ontario's Blueprint for Building a New System of Licensed Residential Services](#) and initiatives underway in the child welfare and children's mental health sectors address any issues or concerns identified; and
- making recommendations that may assist in preventing further deaths.

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<sup>1</sup> Initially, 11 young people were identified. A 12th young person was identified in the course of the Panel's work and a full review of the young person was incorporated into the process.

## *Key Findings and Observations*

### **Indigenous Young People, Their Families and Communities**

The Panel found that despite complex histories and the high-risk nature of these young people's lives, intervention was minimal and sometimes non-existent. The environments where they were living often did not foster a continued sense of purpose or belonging. Frequently, they did not appear to be encouraged to be hopeful about their futures or to have positive aspirations – a finding that was consistent with what the Panel heard from youth with lived experience.

The identities of marginalized young people were not incorporated into service delivery or care. Indigenous, Black and LGBTQI2S young people were not consistently connected to identity-based or culture-based programs, nor was their identity incorporated into their care. There were minimal efforts made toward inclusivity.

### **Eight Indigenous Lives**

Eight of the 12 young people were Indigenous. The Panel found that those young people, their families, and their communities were impacted by colonization, the legacy of residential schools, and intergenerational trauma. In spite of this, the Panel saw evidence that Indigenous communities continue to persevere, heal, and reclaim their culture and identity. The Indigenous young people with lived experience that provided input to the Panel demonstrated the value of this work; they highlighted the importance of connection to Elders, land-based teachings, traditional ceremonies, and wholistic care (see page 13 for more information on “wholistic care”).

The Panel found that the services provided to the eight Indigenous young people were largely unresponsive to these needs; there was a lack of culturally safe, trauma-informed approaches with a focus on prevention and family supports. It did not appear that they had a safe place to go on-reserve when it was needed and when they could not remain in their homes, they were often removed from their communities altogether. Following removal, there was minimal connection to Elders, land-based teachings, traditional ceremonies, and wholistic care.

The challenges faced by these young people were compounded by the systemic barriers and challenges faced by Indigenous peoples and their communities in Ontario including limited access to resources. There is evidence of inadequate shelter, water, and food in their communities and many of the young people that were the subject of review did not have equitable access to education, healthcare including, mental healthcare, social services, and recreational activities. In particular, Indigenous child wellbeing societies that serve people in remote First Nations communities have distinct constraints to delivering services that other societies do not; for example, large geographic areas.

## Society Involvement and Placements

The Panel was struck by the lack of focus on family preservation and early intervention, and the long-term implications for the young people. All 12 of the young people reviewed by the Panel were in the care of a Children's Aid Society or Indigenous Child Wellbeing Society (Society) at the time of their death and many of them had substantial child protection involvement throughout the course of their lives.

The young people had minimal opportunity to have a voice in their care and their attempts to communicate their needs were often overlooked, ignored and characterized as "attention-seeking." They were not meaningfully engaged in services or programs in the community including, educational programs and mental health services, for significant periods of time.

**"It's not about *how* to let kids share their voice, it's just about letting kids share their voice."**

Many of the young people were placed far away from their home communities so it was hard for them to stay connected to their families, communities, and cultures. They experienced multiple placements in short periods of time making it difficult to build relationships and form healthy attachments with their caregivers. On average, the young people had approximately 12 placements throughout their lives.<sup>2</sup> There is currently no way to monitor and track the length of young people's placements or the number of placement transfers they have at the systemic level. Placement selection appeared to be based on what was known to be available, rather than on goodness-of-fit or the young person's needs.

One of the challenges with matching placements to the young person's needs is the lack of clarity regarding the different types of placements. Despite commonly used terms for children's residences (i.e. group home, staff-model foster home, foster care treatment, etc.), there are no clear definitions for the differences between them or the distinct services they may or may not provide. Licensing requirements and oversight are also unclear; many residences, both licensed and unlicensed, are not inspected by the Ministry of Children, Community and Social Services. This is because residences are not inspected where an operator with multiple homes is issued a license based on an inspection of 10 per cent of their homes.

While licensing may monitor compliance with operational standards in the facility, there is no process to monitor the quality of care that is being provided to young people. As there is no central database for placements, it was also clear that societies had a variable understanding of what placements were available, where they were located and the nature and quality of services they provide.

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<sup>2</sup> The average number of placements is approximate because in some of the young people's case documents, there are gaps for periods of time where placement transfers cannot be confirmed.

In reviewing the placement environments where the young people lived, it became clear that their basic needs were inconsistently met. Overall, the Panel determined that many received a poor quality of care which had a profound impact on them over time. They believe that the quality of care was impacted by the capacity, lack of supervision, qualifications, training, and education of staff and caregivers. While physical restraints and 1:1 supervision models<sup>3</sup> were commonly used interventions, there did not appear to be a shared understanding of when to use different intervention models or a consistent approach to them.

## **Mental Health Care**

All 12 of the young people struggled with their mental health problems – many from an early age. The Panel found that most of them experienced fragmented, crisis-driven and reactionary services and, in some cases, no services at all. Many of the young people’s families would have benefited from additional support services, and very few of the families were able to access them, even when they were requested. The Panel observed that many of the 12 young people faced complex circumstances in their lives and in their families of origin, which may have contributed to their mental health challenges. There were concerns regarding the availability of long term and/or intensive mental health care; particularly for latency/early teenage youth. Where young people required more intensive, residential services, there was variability in access and availability of treatment beds across the province. Where young people were connected to mental health services, there was often an absence of a team approach, a lack of service coordination and accountability, and a lack of professionals equipped with the skills to adequately respond to their mental health needs.

## **Service Systems**

Roles, relationships and communication structures in the child protection system did not appear to be clearly defined. There was an apparent lack of transparency and information sharing between societies, placement providers and other child and family services. Specifically, there seemed to be confusion regarding the role and mandate of child welfare services in providing mental health care. There appeared to be an assumption on the part of other community service providers that the child welfare system has the mandate and capacity to provide mental health care and/or to promote young people’s mental health needs being met. The distinction between child protection services and mental health services are not clearly understood by families or children and youth service sectors. Challenges between service systems extended beyond role clarity; there was also a lack of service integration at the local community level in many of the young people’s communities.

## **System Oversight**

It was difficult for the Panel to determine the specific degree and nature of service providers’ involvement in many of the histories. Case files and documentation were disjointed with gaps in

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<sup>3</sup> This refers to the ratio of staff working with a child.



information, unclear service trajectories, discrepancies between agencies, and inconsistent definitions. These same challenges were felt to impact the Ministry of Children, Community and Social Services' ability to maintain meaningful oversight. If the Panel could not determine in some cases, who was providing services and what type, it was likely that the ministry was equally unable to understand the pathways through the various systems, both at the individual level and in aggregate.

The Panel also reviewed serious occurrence reports to understand the circumstances and environments in which the young people lived. They found that the information in these reports was often not substantial and, in some cases, inaccurate. From a systemic perspective, the Panel was concerned that trends in serious occurrence reports and other documentation have not historically been monitored at the provincial level to identify opportunities for improvement.

Any analysis of service systems would be incomplete without an assessment of cost versus benefit. These young people do not appear to have received significant "benefit" from the services and supports that were in place to serve them. It was clear that it is not possible to determine the overall cost to support young people in the child protection system because it is not recorded centrally. Not understanding the costs, outcomes and experiences at an aggregate level limits the ability to provide cost-effective and high quality services that offer the potential to reduce systems costs over time.

## **Recommendations**

The Panel developed five recommendations they believe would make a fundamental difference to Ontario's young people and the overall burden on Ontario's social service system – now and over the longer-term. The recommendations follow in abbreviated form; additional context and detail can be found in the recommendations section, which begins on page 65.

### **To the Government of Canada and the Government of Ontario:**

1. Immediately provide equitable, culturally and spiritually safe and relevant services to Indigenous young people, families and communities in Ontario.

### **To the Ministries of Children, Community and Social Services, Education, Health and Long-Term Care, and Indigenous Affairs:**

2. Identify and provide a set of core services and support an integrated system of care for young people and their families across a wholistic continuum to every child in Ontario. Services must include health, mental health and wellbeing, education, recreation, child care, children's mental health, early intervention services, prevention services and developmental services. Service provision should be geared to the needs and intensity of needs, of each young person and family.
3. Develop a wholistic approach to the identification of, service planning for and service provision to high-risk young people (with or without child welfare involvement) that supports continuity of care to age 21 years.
4. Strengthen accountability and opportunities for continuous improvement of the systems of care through measurement, evaluation and public reporting.

## To the Ministry of Children, Community and Social Services<sup>4</sup>:

5. Immediately enhance the quality and availability of placements for young people in care.

## Principles

The Panel identified 10 principles that underpin their recommendations:

1. All young people must be involved in and at the centre of their care and be given the ability to influence their care based on their knowledge of themselves and their situations. Their voices must be heard, believed and prioritized.
2. All young people must have the opportunity to learn about, understand and experience their history, culture and its customs and teachings.
3. The care of and service provision to young people, families and communities must be holistic, prevention-focused, and driven by their needs. It must ensure that the physical, mental, emotional and spiritual needs of young people are met.
4. Indigenous communities must be enabled, supported and funded to bring forward their needs and to further develop their methods of addressing their needs.
5. Indigenous communities must be enabled, supported and funded to self-govern in a nation-to-nation relationship with Ontario.
6. Caring is an action. Care must be provided with a continued sense of purpose and a focus on the young person's future.
7. Caring is a shared responsibility that crosses organizational, sectoral, geographic and jurisdictional boundaries. Barriers between systems must be eliminated or be made unnoticeable to clients.
8. Children must be kept at home wherever possible – and when it is not possible, they must be in stable, nurturing placements for as long as required that ensure as few moves and transitions as possible.
9. Services must be provided to young people and their families where they are, wherever possible. Where it is not possible, distances should be minimized.
10. All young people must be in school or participating in equivalent learning.

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<sup>4</sup>Formally the Ministry of Children and Youth Services (MCYS).

## Introduction

In Ontario, death investigation services are provided by the Office of the Chief Coroner (OCC) and the Ontario Forensic Pathology Service (OFPS). Together, they form a division within the Ministry of Community Safety and Correctional Services.

The OCC derives its mandate from the Coroners Act. Under the Act, coroners are responsible for undertaking investigations pursuant to the criteria set out in section 10 of the Act and in the public interest, to enable the coroner to answer specific questions about a death, determine whether or not an inquest is necessary, and to collect and analyze information about a death in order to prevent further deaths.

The extent of a death investigation can vary, depending on the circumstances surrounding the death. Should the OCC believe that there may be systemic issues that, if addressed, could help prevent further deaths, a special review may be completed.

In the first six months of 2017, five young people died in residential placements. All of the young people were in the care of a Children's Aid Society or Indigenous Child Wellbeing Society (Society), and all of them struggled with mental health challenges.

The public, stakeholders and the Office of the Chief Coroner (OCC) felt that further exploration was required to determine whether this might be representative of a spike or part of a trend. To determine the answers to these questions, the OCC undertook an analysis of the data available to understand how many young people in the same circumstances had died.

The OCC identified a group of 12 deaths of young people in the care of a Children's Aid Society or Indigenous Child Wellbeing Society that occurred while they were in residential placements between January 1, 2014 and July 31, 2017.<sup>5</sup> All of the young people had a history of mental health challenges.

A number of common issues were identified during a preliminary review of the 12 cases. The issues had been previously recognized by those involved with care in residential placements including, the Ministry of Children and Youth Services – which is now the Ministry of Children, Community and Social Services (MCCSS). Collectively, MCCSS, the Ontario Association of Children's Aid Societies, the Association of Native Child and Family Service Agencies of Ontario and Children's Mental Health Ontario were making efforts to address the challenges and identify, develop and help implement solutions to address current critical issues in residential services.<sup>6</sup>

The OCC established the Panel to inform the investigation of these 12 deaths and provide an opportunity for recommendations to prevent further deaths. The Panel was tasked with the following:

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<sup>5</sup> Initially, 11 young people were identified. A 12<sup>th</sup> young person was identified in the course of the Panel's work and a full review of the young person was incorporated into the process.

<sup>6</sup> Many organizations use the language "residential services". We have used residential placements to refer broadly to the settings in which these young people were living. It is not clear at this time whether the work underway encompasses all residential placement settings that are relevant to this review.

1. Review and assess the services and supports provided to the 12 young people;
2. Identify any commonalities and/or trends arising out of the review and assessment of the deaths;
3. Identify any systemic issues or concerns arising out of the review and assessment of the deaths;
4. Provide expert opinion on the extent to which current and forthcoming plans, activities, legislation, regulations, policies and practices, including the activities outlined in [Safe and Caring Places for Children and Youth: Ontario's Blueprint for Building a New System of Licensed Residential Services](#) and activities underway in the child welfare and children's mental health sectors address any issues or concerns identified;
5. Make recommendations to the Chief Coroner, if appropriate, with a view to effective intervention and prevention strategies toward the prevention of further deaths.

The review was intended to be specific to the services and supports provided to the 12 young people that are linked by the fact that their deaths occurred in residential placements. The Panel was permitted to review and discuss the suitability of the residential placements, availability of services, and issues of service quality and oversight mechanisms. In addition, the reviewers were also permitted to consider how the determinants of health, socio-economic circumstances and the intersections between systems of care may have impacted the outcomes of these young people.

Services and service systems that were not directly linked with those provided to the 12 young people were considered out of scope and beyond the mandate of the OCC.

The OCC did not wish to "reinvent the wheel," and therefore the Panel's terms of reference asked them to provide opinion on whether the current initiatives underway addressed any issues and concerns identified. The Panel also reviewed multiple other reports and reviews in the course of their formulation of recommendations; details on the reports reviewed can be found in the section titled Current Work Underway on page 62.

## *Panel Composition*

To achieve the objectives above, the OCC identified members of the Panel with expertise in the following areas:

- psychiatric and/or psychological care of young people;
- community mental health care;
- services to Indigenous young people;
- residential placements in Ontario;
- the service system, including child welfare, child and youth mental health and youth justice systems; and
- government administration.

Biographies of the Panel members can be found in Appendix 1. The Panel was not intended to be representative of Ontario's population or any subgroup or the service system.

## Process

The Panel were provided with a summary and analysis of the services and supports that were provided to the 12 young people. The summaries were developed based on information contained in the records of various service organizations, including societies, children's mental health agencies, health professionals including mental health professionals and institutions, educational institutions and youth justice records. In addition, the case reviewer examined the coroners' reports, post mortem reports and toxicology reports (where available).

Materials were requested from several organizations to help clarify current and forthcoming relevant policies and practices. Presenters with knowledge of the current system challenges and work underway appeared before the Panel to share information, insights and expertise.

In addition, nine of the 12 families and leadership from four Indigenous First Nation communities provided information to the panel for consideration. Their input was vital in providing the Panel with insight into the experiences of the young people, their families and their communities. We thank each person that participated in this way for sharing their thoughts and for helping us to honour the deaths of these young people. Their insights have been woven into the fabric of this report and greatly enriched the Panel's considerations.

The insights of those living and working within the system were also sought and obtained. Thirteen young people with lived experience were brought together in Kenora, Thunder Bay and Toronto. Staff of the OCC inquired about their placement histories and experiences of mental health care, and provided summaries of the information they shared to the Panel. The histories of the 12 young people that died and their thoughts, stories and suggestions were at the heart of the Panel's work and provided the lens through which the Panel's work found focus.

Throughout this report, where young people with lived experience transmitted messages relating to the findings and observations of the Panel or made suggestions to improve the experiences of young people, they are highlighted in purple. We have highlighted their input in order to elevate their voices; their messages speak volumes, and deserve to be heard.

In addition to meeting with young people with lived experience, staff of the OCC invited staff from the Children's Aid and Indigenous Child Wellbeing Societies and placement settings that had worked with the 12 young people directly to share their insights into the systems of care. Ten staff chose to participate in this process. The names of the young people and staff that participated will not be released in the interests of protecting their privacy.

Over 100,000 pages of records were reviewed and the Panel received almost 4,000 pages of summary information. While the review of records is no substitute for speaking with service users, the depth of the information available to the Panel provided sufficient information to help them understand the young peoples' varied experiences and trajectories.

Summaries of the individual experiences of the 12 young people comprise the first section of this report. Where the Panel had specific observations relating to the young person, they have been noted. The second section of the report outlines the Panel's aggregate findings and observations in four areas of focus that emerged during their discussions:

- Society Involvement and Placements;
- Mental Health Care;
- Service Systems; and
- System Oversight.

The third section of the report outlines a set of principles and recommendations for change.

### **A note on Wholistic care...**

Wholistic care is defined by the Oxford dictionary as a philosophy characterized by the belief that the parts of something are intimately interconnected and explicable only by reference to the whole.<sup>7</sup>

This philosophy was introduced to the Panel by its three Indigenous Elder members who put forward the notion that all services should be provided in ways that address the continuous interaction of the physical, mental, emotional and spiritual aspects of individuals.

While this concept is age-old in Indigenous communities, it is not widely embraced in Ontario's westernized system of care. The Panel's observation was that this philosophy is of benefit to all people. Consequently, it is a philosophy that underpins all of the Panel's observations and recommendations.

## ***Services to Children and Youth – Who Does What?***

### **Child Welfare**

Child welfare services in Ontario are provided by 38 independent Children's Aid Societies and 11 Indigenous Child Wellbeing Societies (Societies) to deliver child protection services, for a total of 49 Societies. All Societies receive provincial funding from the Ministry of Children, Community and Social Services (MCCSS). MCCSS is responsible for oversight of Societies mandated by the Child, Youth and Family Services Act (CYFSA). Two umbrella organizations, the Ontario Association of Children's Aid Societies (OACAS) and the Association of Native Child and Family Service Agencies of Ontario (ANCFSAO) provide services, supports and advocacy on behalf of member Societies.

Under the CYFSA, the functions of Children's Aid Societies and Indigenous Child Wellbeing Societies are as follows: investigate allegations or evidence that children may be in need of

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<sup>7</sup> "Wholistic | Definition of Wholistic in English by Oxford Dictionaries." Oxford Dictionaries | English, Oxford Dictionaries, en.oxforddictionaries.com/definition/wholistic.

protection, to protect children where necessary, to provide guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children, to provide care for children assigned to its care, to supervise children assigned to its supervision, and to place children for adoption.<sup>8</sup>

## **Other Services and Supports**

Young people being served by Ontario's child welfare system may also be receiving other services and supports, such as health, mental health, prevention, and/or developmental services, and other special needs services. Societies generally do not provide these services directly to the young people they work with, but work to connect young people and families with the services and supports that they need. For example, community mental health agencies often provide counselling, treatment, family supports and prevention-focused care to young people.

## **Places for Young People to Live**

Most young people served by the child protection system stay in their homes of origin. When young people cannot remain in their homes, they can be placed in various residential settings including group homes, foster homes and customary care homes (broadly referred to as "placements" or "placement settings" throughout this document).

Customary care is a culturally appropriate placement option for First Nations, Métis and Inuit children and youth who are in need of protection, who can't remain with their parents. In customary care arrangements, the child or youth is cared for by a person who is not the child's parent, according to the customs of the child or youth's band or First Nations, Inuit or Métis community. The model of customary care varies depending on the young person's band, First Nation, Métis, or Inuit community.

The children and youth served in residential placements come from a variety of backgrounds and may have multiple needs. Placement settings indicate that they provide a range of services from basic accommodation, care and supervision in a family home setting to specialized programs in treatment settings for children and youth with complex special needs or who are medically fragile – though the Panel found that in many cases, these services were not provided as described.

The Child, Youth and Family Services Act defines the types of environments in which children and youth that are removed from their homes can be placed in. In the Act, these environments are referred to as children's residences. Children's residences in Ontario have two different accountability relationships with MCCSS. The first is a transfer payment agency (TPA), which receives a direct transfer payment from the ministry and has a contractual agreement to provide group care or foster care to young people. The other is a private business, often referred to as an outside paid resource under contract with the placing agency. Outside paid resources do not

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<sup>8</sup> For complete mandated functions and standards of children's aid societies, see *Child, Youth and Family Services Act* (2018) s. 15 (3). <https://www.ontario.ca/laws/statute/90c11>

have a contractual relationship with MCCSS however; they do have a contractual relationship with Societies, and they are licensed by MCCSS, where required.

## **Licensing**

Many placements are offered by service providers and agencies that are licensed to do so by MCCSS under the authority of the Child, Youth and Family Services Act. Providers must meet the requirements under the associated regulations and ministry policies.

MCCSS has the authority to issue a license to a staff-model children's residence where there are three or more young people residing in a home, not of common parentage; a foster-model home where there are five or more young people residing in a home, not of common parentage; and a license to provide residential care, directly or indirectly, for three or more children not of common parentage in one or more homes. For operators with multiple foster homes, a single license is issued, based on an inspection of 10 per cent of those homes. Where young people are residing in a staff-model residence with two or fewer young people, a license is not required. MCCSS reports that Agency Operated Homes (AOH) are used by licensed foster care agencies to place two or fewer children, where there are no other placement options. The licensed foster care agencies are sometimes Children's Aid Societies or Indigenous Child Wellbeing Societies. MCCSS licensors are not required to do inspections of these homes, because the agency is required to ensure that standards in the homes are being met.

Note: As of April 30, 2018, O.Reg 156/18 has expended licensing requirements to residential care homes that are not children's residences or parent model foster care, where there are fewer than three children per location but more than three children cumulatively across multiple sites (Section 117 of O.Reg. 156/18). This comes into effect July 1, 2019.





## *Section 1: Records Reviews*

## *The Twelve Young People & Their Histories*

All 12 young people were touched by complex and often intersecting experiences, starting at an early age. They had been removed from their families of origin and were in a placement at the time of their death, and all were high-risk. The majority of them had been removed from their home communities and were up to 1,600 kilometres from their homes of origin.

Many of the young people identified as LGBTQI2S. Eight of the young people were Indigenous. All of those young people were from First Nations communities in Northern Ontario, and the majority of those communities are remote. One of the young people was Black.

Many of these young people experienced mental health challenges, struggled with substance use, and had developmental challenges, features of fetal alcohol spectrum disorder and attachment disorders. All of the young people had histories that included self-injurious behaviors and/or suicidality.

Of the 12 young people, eight died by suicide; one by homicide; two were determined to be accidental; and one died of undetermined causes. A death is classified as undetermined when a full investigation has shown no evidence for any specific classification or there is equal evidence or a significant contest among two or more manners of death.

## DANNY<sup>9</sup>

Danny was described as quiet and polite with a very good sense of humour. He was further described as an intelligent boy with some very significant learning disabilities in the areas of thought processing and memory.

At age six, Danny and his brothers were brought to Canada by their mother.

The Children's Aid Society became involved when Danny at the age of eight years due to inappropriate behaviour at school and concerns that he may be subject to physical abuse. Over time, concerns about mental health issues within the family, poverty, uncertain immigration status and a lack of family and community supports arose. Danny was brought into the care of the society on an emergency basis at age nine. Two years later, Danny was the subject of an order for Crown wardship (now known as extended society care).

Shortly after his admission to care, Danny began self-harming and received in-patient assessment in three children's mental health facilities. Over the next few years he was diagnosed as having an adjustment disorder with anxious features, possible attention deficit hyperactivity disorder and a learning disability. There was recognition of severe psychosocial stressors, academic difficulties and bullying. Danny required accommodations that were identified to be needed but were not provided for a long period of time. For example, he required eye glasses and a laptop for educational purposes – both were provided after a long delay. Medication was prescribed to address distorted thinking, perceptual distortion, sleep disturbance, fear and anxiety. Later in his life, Danny was diagnosed as having complex traumatic syndrome with severe features of anxiety and intermittent psychotic symptoms, a motor tic disorder, dysthymia and early signs of affective psychotic syndrome. It was noted that Danny's learning disability would be a barrier for most therapeutic processes.

Danny lived in 10 placements in his six and a half years in care. Initially, Danny was placed with his brothers in his home community, in a foster care home operated by an agency. At Danny's request, he moved to a group home without his brothers approximately a year later. He remained in this group home for three years, until his death.

For a period of time in Danny's last placement, he attended a section 23 classroom,<sup>10</sup> where he reportedly did well academically. After progressing significantly, he was reintegrated into a community school for high school, where he did not appear to have been connected with school activities or staff.

The recommendations outlined in assessments for therapeutic intervention and a structured and supportive living environment were not identifiable in this placement. A request by the Society to connect Danny to community based mental health services did not occur and the reasons were not clearly documented.

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<sup>9</sup> Some names have been changed to protect the privacy of the individual and/or their family.

<sup>10</sup> Section 23 classrooms provide educational services to students in care, treatment, or correctional settings. The programs are designed to meet the individual cognitive, social, emotional, and physical needs of young people.

As he aged, Danny became quieter and continued to be introverted with fewer outbursts of aggression or negative emotion. Over his final three years, Danny transitioned from being afraid to leave the group home and unwilling to participate in community activities to being generally absent from the group home and spending his time with friends in the community. Danny had minimal contact with the staff and there are no indications in the records that the staff was aware of how he was doing. In the year prior to his death, Danny chose to discontinue art therapy and refused all medication. As Danny did not engage in the type of behaviour that required an immediate response (for example, aggressing against staff), there were few reports of any incidents. Danny does not appear to have been engaged with staff in the last year of his life. In the months leading up to his death, Danny's school attendance began to decrease.

On the morning of his death, at the age of 16, Danny went to his first class and then left the school. His body was found the next day in a park. The manner of death was found to be suicide by hanging.

## **ANAYA \***

Described as an outgoing likeable child, Anaya was reported to have sought out opportunities to participate in her Indigenous culture, especially by dancing. She loved attending Pow Wows. She also enjoyed swimming and ice hockey as recreational activities.

Anaya was the youngest of four daughters born to her mother. All three of Anaya's siblings were reported to struggle with addictions and mental health challenges. Approximately seven months apart, two of Anaya's sisters died by suicide in the time immediately preceding Anaya's death. No information is available about her father.

For the first few months of her life, Anaya and her sisters lived with their grandmother until she was no longer able to care for them. The Society had been involved with the family prior to Anaya's birth and became re-involved at this point. Anaya lived with an aunt and her family from the time she was seven months old until she was nine years old under a customary care agreement. Anaya's mother had sporadic contact with her children over the years, and it is reported that her mother stated that she did not wish to regain custody.

After eight years in this placement, Anaya disclosed physical abuse. The subsequent investigation did not verify the allegation. Nevertheless, Anaya moved to a nearby community and lived with her grandfather and one of her sisters under a customary care agreement. The allegation of abuse was later recanted by Anaya and she repeatedly asked the Society to return her to her aunt's home.

Anaya remained with her grandfather and developed a close bond with him. The Society maintained involvement as there was documentation of concerns about the level of supervision in this placement. Offers of assistance to address this issue were declined. Anaya was continually left in the care of family members who were reported to be emotionally abusive. It was noted that mandatory standards related to visits and documentation were not followed in either of the customary care placements.

As a young child, Anaya was assessed as having an executive function disability and had significant cognitive delays. She was never formally diagnosed with fetal alcohol spectrum disorder or any other mental health condition, although this was suspected by health professionals. No medication for behavioural or mental health concerns was prescribed.

Anaya's attendance at school appears to have been regular throughout her life. In the seven months prior to her death she was absent from school for 26.5 days.

Beginning at six years old, concerns were noted about Anaya's precocious sexualized behaviour. Two years later, Anaya reported that she was using alcohol. She experienced at least two incidents of sexual abuse, and other instances were suspected. Anaya later became involved in solvent use and was reported to experience frequent and recurring episodes of suicidal ideation and self-harm. Concerns were raised by family members and school personnel and some sporadic counselling was provided to Anaya and her family.

At age 11, Anaya spent three weeks in an assessment home. Shortly thereafter, she spent 10 weeks in a residential treatment program designed for Indigenous youth. Anaya made attempts to die by suicide while in the residential treatment centre. The centre was noted to be designed for older youth whose cognitive abilities were greater than those of Anaya. Although efforts were made to modify the program to meet Anaya's needs, it was reported that she was not able to understand the concept of treatment. Anaya left the program unexpectedly following the suicide of her second sister. A safety plan was developed and she was released into the care of her remaining sister to return to her grandfather's home to grieve with the family. Three weeks later, Anaya sent a letter to a relative stating her intention to die by suicide. She had previously sent similar letters to friends. A few days later, Anaya left school to go to her grandfather's home for lunch and did not return for the afternoon. Her body was found in the home later that day. The cause of death was hanging and the manner of death was suicide.

## **JAZMINE \***

As a younger child, Jazmine was described as pleasant and polite. She did very well in school and was well-liked by her peers. Later on in her life little was documented about other aspects of her strengths or interests in her early life.

Jazmine lived in a Northern Ontario city with her biological parents and two younger brothers until her parents separated when she was nine years old. The Society became involved as a result of a concern that Jazmine was anxious and wanted to hurt herself. Instances of intimate partner violence and substance use were reported to have occurred in Jazmine's family. The Society verified concerns about the caregiver's ability to care for the children. At that time, Jazmine reportedly disclosed that she wanted to die by suicide.

Shortly afterward, Jazmine and her brothers went to live with their grandmother in the family's remote First Nation community, located 500 kilometres away from the city that she had grown up in. Jazmine lived with her grandmother in a formal customary care arrangement from the time she was nine years old until her death. Two children's aid societies were involved (responsive to the location of various family members) and family reunification was seen as a preferred outcome. There is minimal evidence of collaborative or coordinated planning for the children between the two societies.

Jazmine attended two schools without any apparent disruption in her education. She was reported to have done well at both schools.

Jazmine was first assessed by a mental health professional at age 10 as a result of self-harming behaviour and suicidal ideation. Referrals were made for expressive arts therapy and counselling, however, this support was sporadic due to the challenges of providing service in the remote community.

Jazmine continued to self-harm. At age 12, she was re-assessed. The assessment concluded Jazmine was experiencing a mood disorder and problems relating to abuse and neglect. The assessment strongly reinforced the need for collaborative planning and monitoring by the societies involved; the school and the family. Immediate and intensive intervention was indicated as necessary; however, it appears from the records that this did not occur. Records were incomplete and confusing, making it difficult to understand the supports provided.

Over the next seven months, some inconsistent and limited counselling was provided. Jazmine was not prescribed any medication. While she continued to exhibit signs of significant depression, she received no further help, despite documented concern that her needs seemed to be beyond her grandmother's ability to cope.

On the night of her death at the age of 12, Jazmine visited with her grandmother and then had dinner at the home of other relatives. Later in the evening, Jazmine's body was found by one of her siblings. The cause of death was hanging and the manner of death was determined to be suicide.

## TYRA

Tyra was described as an excellent student and a committed athlete who was consistently noted as having a lot of potential. Her intention was to attend university away from her home community and she had identified an interest in working in the corrections field. She was described as having a big heart.

Early in her life, Tyra's parents separated and she lived with her mother and two siblings. For a period, their mother's new partner lived with them. Child protection concerns related to parental supervision and instances of the children being in the home during parties involving substance use, where adults unknown to them were present.

The Society was involved with the family during Tyra's early years and verified that the children's basic needs were not being met. Family support was provided in the home. When Tyra became an adolescent, she requested that she be taken into the care of the Society. She reported feeling depressed and had begun self-harming. Tyra disclosed that she was the victim of sexual abuse early in her life and that she experienced further victimization in adolescence. Her parents agreed to a temporary care agreement and she lived under the care of the Society for the rest of her life.

With the support of experienced foster parents, Tyra was provided with significant trauma-informed counselling and intensive support from her school community. Despite this, she continued to be unsettled. Approximately a year after coming into care, Tyra was admitted to the children's psychiatric unit of the local hospital as a result of suicide ideation. She was diagnosed with depression and post-traumatic stress disorder and placed on medication.

A series of suicide attempts in the following months led to two additional in-patient admissions to the children's psychiatric unit of a local hospital. A move to a residential treatment program operated by a children's mental health centre was seen to be better able to respond to Tyra's needs. While at the program she was able to stabilize and return to school. Tyra continued to self-harm, including multiple suicide attempts.

Tyra was reported to have been an excellent student throughout elementary school and high school. With the exception of time Tyra spent hospitalized in relation to her mental health, her school attendance was not interrupted.

Tyra was surrounded by a group of helping professionals from the Society, school and children's mental health sector who maintained extremely close contact with her and communicated with one another on a very regular basis regarding her welfare.

On the day of her death at the age of 18, Tyra left school in the afternoon. Her body was later found hanging from a tree in a wooded area off a recreation trail. Tyra's cause of death was hanging and the manner of death was suicide.



## JUSTIN

Justin was described as a sensitive and likeable young man who loved nature and particularly, fishing and walking in the forest. Justin enjoyed watching movies, playing board games and making arts and craft projects that he frequently gifted to others.

At two years of age, Justin was assessed by a paediatric development clinic due to concerns related to his inattention and behaviour. Early intervention services were subsequently provided. Over the course of his life, Justin was diagnosed as having a developmental disability and mental health challenges. Additionally, he was diagnosed with attention deficit hyperactivity disorder (ADHD), post-traumatic stress disorder, alcohol related neurodevelopmental disorder and significant learning disabilities. Justin was prescribed medication as a young child to respond to the ADHD symptoms, and additional medication in response to anxiety and escalating aggression was prescribed as he aged.

The Society became involved with the family prior to Justin's birth and remained involved throughout his life. Justin lived with his mother, father and two older siblings for the first two years of his life, until his parents separated. He continued living with his mother until the age of eight, when his grandparents began caring for him in a kinship care arrangement following concerns that his needs were not being adequately met. There were reports of Justin's escalating aggression towards peers and school personnel at this time.

After almost two years, this arrangement was no longer viable as his grandparents struggled to manage Justin's increasingly challenging behaviour. Justin came into the care of the Society where he remained for the rest of his life. He lived in four different foster homes with each placement breaking down due to his escalating behaviour.

At age 10, Justin became a Crown ward (now known as extended society care) and just prior to his 12<sup>th</sup> birthday, he moved to an unlicensed group home 550 kilometres from his home. Records indicate that an appropriate placement was not available closer to home. From this time, Justin lived in four different group homes before his fifth and final placement, where he lived until his death at age 17.

Due to an enrollment issue, Justin's education was disrupted for a few months following a placement transfer. During this time, he was reportedly home schooled and attended a day treatment program on the premises of the group home.

It appears that minimal effort was made to provide mental health services or developmental services to Justin. Although he was going to transition to the adult developmental services sector, he had no contact with the developmental services agencies in the community.

At the time of his death, Justin was living in an unlicensed arrangement where staff supported him in his separate living unit within a triplex, with two other clients in separate units. Up to two staff supported him at a time.

Five days prior to his death at the age of 17, Justin was placed in a restraint following behavioral escalation that resulted from a disagreement with staff over whether he could ride his bicycle. Justin lost consciousness during the restraint. He was transported to hospital but did not regain consciousness and remained on life support. His cause of death was determined to be a result of Anoxic Encephalopathy due to Desmoglein-2 mutation-related cardiac arrest, with contributing factor of struggle/restraint. The manner of death was undetermined.

## AZRAYA

Azraya was described as having a good sense of humour and an interest in fashion. She was one of three children born to her parents, an older brother and a twin brother. The family of five lived together throughout most of Azraya's life in their Indigenous community in Northern Ontario, surrounded by grandparents and other relatives who were involved in the family's life.

The Society was involved with the family prior to her birth and throughout most of her life as a result of concerns related to inadequate supervision, domestic violence and alcohol use. The Society provided some ongoing family supports and apprehended the children on several occasions.

Azraya's parents struggled to provide care to the three children, including her older brother, who suffered from a progressive neurological disorder until the time of his death, when Azraya was twelve years of age.

Following her brother's death, the family made arrangements for Azraya to move to a nearby city and live with a relative while she was attending school. Four months after her brother's death, Azraya was admitted to the local hospital as a result of suicidal ideation. The Society sought and was granted a protection order, following which Azraya lived in a Society operated residence for a short time before returning to her parent's home.

A few weeks later, Azraya was re-admitted to the adolescent psychiatric unit of the hospital following a suicide attempt. An assessment identified that little was known about Azraya's early life, cognitive abilities or intellectual functioning that could impact on her ability to benefit from therapy. Following discharge, she was placed in three short-term placements while awaiting admission to a treatment foster home in Southern Ontario, where she subsequently lived for five months with 1:1 supervision.

Initially, it was reported that Azraya settled well into this placement however; following a visit from her family, her behaviour was reported to have become more challenging. Azraya expressed suicide ideation and was admitted to the psychiatric units of two local hospitals during this time. It was brought to the attention of the Society that the placement was unable to manage her behaviour, nor was the placement able to provide the supports and services that were thought to be in place.

While the Society began looking for an alternative placement, Azraya's parents asserted their desire to bring her home. It was determined that she would go home under a supervision order with terms and conditions, which included attending mental health services.

For the next six months, Azraya lived primarily at home. During this time the environment was reported to be unstable. She came into care on a few occasions following incidents of substance use or violence when she would reach out to the Society and ask for intervention. It appears that Azraya was not receiving mental health supports at this time.

The Society had set up an intake appointment for a residential treatment program designed for Indigenous youth. The appointment did not occur as Azraya died prior to the appointment date. Two weeks before her death, she indicated that she wished to come back into the care of the Society due to escalating challenges at home. On a temporary basis, Azraya was placed in a Society operated home, where she was housed in an apartment (without other young people) and supported by casual, relief staff. Azraya was known to be at high risk of self-harm and had constant supervision by a 1:1 worker. This was discontinued in the days prior to her death. No rationale for discontinuing the 1:1 supervision was found in the documentation reviewed.

Azraya did not attend school for the last year of her life. During this time she was hospitalized, in treatment foster care, in Society operated homes for short periods, or in the care of her parents under a supervision order. In the four months she was in treatment foster care, she was registered in two different schools, but only attended school for one day.

On the night of her death at the age of 14, Azraya missed her curfew and was known to be attending a house party. The police attended the party and brought her to the emergency department of the local hospital. The staff of the society operated home attended the hospital at which point the police left. A short time later, Azraya left the hospital and a search was immediately launched. Two days later, she was found in a forest adjacent to the hospital. The cause of death was hanging and the manner of death was suicide.

## KANINA

From an early age Kanina was described as active socially and physically. She enjoyed school, particularly math and science. Kanina provided support to her older sister and was called Kookoomes by one of her foster parents.

Kanina was a young person from a remote First Nation. She lived with her biological parents and five siblings until she and her sister came into care under a customary care agreement when Kanina was two years of age. She was admitted to care ten times over the course of her life, generally for six month periods. The goal of family reunification remained throughout her time in care. Instances of intimate partner violence and substance use were reported to have occurred in the family home throughout Kanina's life. There was a significant history of deaths by suicide in Kanina's family. Her parents twice successfully completed family treatment programs, which included some or all of the children.

Kanina was referred for counselling at the age of seven following the death of her aunt by suicide. Counselling at that time and in the months prior to her death at age 15, focused on her grief at the loss of relationships. Kanina did not receive a psychiatric diagnosis and was not on any medication.

In the final year of her life, Kanina had a number of placement changes, which often followed incidents of self-harm, suicidal ideation and attempts. Following a placement transfer, Kanina was not attending school for a period of time. From the documentation, it is unclear what the reason for this disruption in her education was, or how long she was not attending school.

In the four months prior to her death she was placed in an Indigenous youth healing centre. She was medically evacuated out twice in response to self-harming behaviour and suicide attempts. The most recent visit to hospital occurred five days prior to her death.

While residing in the healing centre, Kanina began a relationship with another female resident. This female resident, Jolynn, is also the subject of review by the Panel. In the weeks and days prior to her death, the two were together on a number of occasions. Although this relationship is referred to in various documents, there was no evidence of supportive discussions around Kanina's sexual identity. Additionally, it appears that staff indicated to her that she could be arrested for engaging in a sexual relationship with Jolynn, as a result of Jolynn's age. While this is accurate from a legal perspective, this position does not demonstrate responsiveness or recognition of the needs Kanina was endeavouring to meet.

Kanina was in her final placement for less than three days prior to her death. The placement was a staff-model foster home operated by the Indigenous Child Wellbeing Society.

At the age of 15, Kanina died by suicide at her foster home. She recorded her suicide on her iPad. Suicide notes were left for various family members and Jolynn. The autopsy indicated significant evidence of self-harm over time on various parts of Kanina's body.

## JOLYNN

Jolynn was an Indigenous young person born in Northern Ontario. She was described as quiet. She liked to draw and sketch.

Jolynn lived with her biological mother prior to her admission to care at two years of age. Her mother had a history of transience and substance use reported to have occurred during Jolynn's early years. Her biological father was not known to her until the last year of her life.

Shortly after her admission to care, Jolynn was placed in a customary care home operated by the Indigenous Child Wellbeing Society. After seven years in this placement, Jolynn was discharged from the care of the society into the care of the same caregiver, through a private arrangement. She remained with this caregiver and their family until the age of eleven.

Following the breakdown of this placement, Jolynn had 20 placements in an 18 month period. Placement changes often occurred on an unplanned basis following a behavioural incident. Jolynn's education was described in a social history in her file as "interrupted" by multiple placement changes. During some placements, she was not enrolled in school. The last grade Jolynn completed was grade six – she would have been in grade seven, had she been enrolled at the time of her death.

In the six months prior to her death, Jolynn was placed at a youth healing centre on two occasions. While at the centre, Jolynn began a relationship with another female resident. This resident, Kanina, is also the subject of review by the Panel. Kanina left the centre and Jolynn was later medically evacuated from the centre following a suicide attempt. While away from the healing centre, in the days prior to Kanina's death the two were together on a number of occasions. Within days, Jolynn learned that Kanina had died by suicide.

Following this, Jolynn was admitted to the child and adolescent mental health unit of a hospital for 17 days. Except for a period of time during this hospital admission, Jolynn was not prescribed any medication at any point in her life.

While placed in the hospital, Jolynn spoke to staff about her relationship with Kanina and her feelings about this loss. There were no records suggesting that Jolynn's sexual identity was ever discussed with her while in hospital or by staff of other organizations including the Indigenous Child Wellbeing Society.

On discharge from hospital, no children's mental health treatment bed was available. Consequently, Jolynn was discharged to an extended home visit at her father's home pending the availability of a treatment bed. A safety plan was agreed to by the hospital, the Indigenous Child Wellbeing Society, the family and Jolynn. There was, however, no evidence of active therapeutic intervention during the seven weeks she was in her father's home.

At the age of 12, Jolynn died by suicide in her father's home. Kanina's death by suicide is felt to have been an influencing factor in Jolynn's suicide. The autopsy indicated significant evidence of self-harm on various parts of Jolynn's body.

## **KASSANDRA**

Kassandra was described as an intelligent, energetic and pleasant youth who loved to dance, sing and do gymnastics.

Kassandra lived with her biological parents and one older brother until her admission to care at age 12. Instances of intimate partner violence and substance use were reported to have occurred during her early years.

Over the course of her life, Kassandra was diagnosed with attention deficit hyperactivity disorder (ADHD), mood dysregulation disorder, and generalized anxiety disorder. She was on various medications beginning at age 11 and continuing until the time of her death at age 14, including, at various times, stimulant medication for ADHD, antipsychotics and antidepressants.

Kassandra's behavior was reportedly challenging from very early in her life. Reports outline increasing instances of violence, aggression and behavioral disturbances between age two and age seven. At age seven, the Society became involved on an ongoing basis and in-home family intervention was put in place along with access to a parenting program. Kassandra's mother is reported to have requested assistance on multiple occasions, but was unable to obtain the type of help she felt was necessary to cope with her daughter's behaviour.

At age seven, Kassandra's mother requested her to be placed in a residential treatment facility. Community service providers were not in agreement and placement did not occur. Children's mental health services were initiated and a period of tenuous stability in the home was noted. As Kassandra aged, there were repeated incidents requiring crisis intervention of police and hospital based mental health services. Kassandra's behaviour was noted to have interfered with her ability to attend and succeed at school. At age 13, Kassandra moved to the first of four section 23 classrooms operated by residential providers or community agencies under a provision of the Education Act. Just before her 12th birthday, Kassandra was admitted to residential treatment. In the two and a half years between her admission to residential care and her death, Kassandra lived in seven different placements, with six months being the longest period in any one home. Her service providers were working toward a goal of family reunification; efforts were made to continue family therapy and Kassandra continued to have regular access to her family. In 2014, Kassandra came into extended society care with continued access with her mother.

Some mental health services were provided while Kassandra was in residential care, but she continued to struggle to benefit from these services. She was noted to have difficulty engaging with peers, staff or family in positive ways. Kassandra was self-harming and was placed in vulnerable situations with people she met over social media.

Kassandra was in her final placement for four months prior to her death. The placement was a staff-model foster home with two other residents. Available records did not provide details of the circumstances or needs of the other young people in the home; however, there are indications that the needs of the residents varied considerably and questions arose regarding the capacity of staff to meet the wide range of needs present in the home.

At the age of 14, Cassandra died from smoke inhalation in a fire at her foster home. The manner of death was determined by the coroner to be a homicide. The incident was precipitated by escalating behavior of another young person in the home, in response to which Cassandra and two staff removed themselves and locked themselves in a second-floor bedroom. A fire began on the first floor and they were unable to exit. Resuscitation attempts were unsuccessful.

## AMY

Amy was described as a friendly but cautious person. She took pride in her appearance and showed interest in her Indigenous community and culture. When given the opportunity, she enjoyed learning birch bark construction and beading using traditional designs and methods. She liked to sketch and journal, and was interested in gymnastics.

The Society was involved with Amy's family prior to her birth and throughout most of her life as a result of concerns related to inadequate supervision, parental substance use, domestic violence and one parent's mental health. Amy and her siblings were apprehended by the Society on many occasions but returned shortly thereafter to the family with safety plans developed. The Panel identified more than eight referrals regarding child protection concerns in Amy's family throughout her life. Over time the Society continued to respond to a very high volume of protection concerns and placements became more difficult to arrange.

Amy began engaging in high risk behaviour (cutting, as well as solvent and alcohol use) very early in her life. Amy witnessed family violence, suicide attempts and deaths in the community. She disclosed repeated instances of sexual assault that were reported to occur throughout her childhood.

Amy remained close to her sisters and was at times placed with them in foster care. Amy and one sister were part of a suicide pact with other youth, and there were multiple incidents of self-harm involving Amy and her sister. On many occasions, Amy was medically evacuated out of the community for medical attention following significant instances of self-harm.

Amy did not receive a formal assessment of her needs until near the end of her life. Prior to this, she primarily received mental health supports on an emergency basis following instances of self-harm and suicide attempts. Although fetal alcohol spectrum disorder was suspected, further investigation was not done. She was formally diagnosed with an adjustment disorder and Depression just prior to her death. Counselling was sporadic throughout her life, without the benefit of a consistent therapist or a coordinated approach.

From an early age, Amy did not attend school regularly. While she was in care there were periods of time where her attendance was more regular and she did well in school. However, during her last placement she was not enrolled in school due to administrative delays in retrieving documents from her previous placement.

At age 10, Amy came into the care of the Society and remained in their care for 15 months. Initially, she was placed in four short term foster homes and then moved to a residential program in Southern Ontario where she remained for 12 months prior to returning to her parent's care. Amy returned home, where her behaviour escalated to include significant vandalism, alcohol and solvent use, suicide attempts and property damage that resulted in her being removed from the community and coming back into the care of the Society.



Amy was re-admitted to the same residential program. At the time of her return, the local Society was in the process of an institutional protection investigation of the children's residence, which resulted in verification of several child protection concerns. Amy remained in the home following the investigation. After three months, Amy was involved in an altercation with staff and was immediately moved to another residential program nearby.

While in the new residential program, Amy continued to struggle with self-harm and aggressive behaviour that led to hospitalizations and physical restraints. Amy was seeing a crisis counsellor at a community agency, however, it did not appear that this was a regular occurrence. It was known that Amy was part of a suicide pact, and two other youth in this pact had died by suicide. Amy also disclosed a past history of sexual abuse, as well as a more recent incident of sexual assault that was reported to have occurred during one of the times she left the residence without permission and was missing overnight.

As a result of self-harm, Amy was seen in urgent care and the emergency department of the local hospital on multiple occasions in the six months leading up to her death. Amy was admitted to hospital on two occasions, the last being for four days, approximately two weeks before her death. From her discharge to the day of her death, she was brought to the emergency department on three additional occasions related to self-harm and suicide ideation or attempt.

On the day of Amy's death at the age of 13, staff at the residential program checked on her regularly as she was in her bedroom alone. Twenty minutes after the previous check, staff returned to her room with a snack for her and found her hanging by the cord from the window blind. Resuscitation attempts were unsuccessful. The cause of death was hanging and the manner of death was suicide.

## **BROOKLYN \***

Brooklyn was described as a polite and friendly young person. She was of Indigenous heritage and was reported to enjoy participating in ceremonies and learning about her culture. She enjoyed a variety of sports. She enjoyed horseback riding, art, cooking and gardening.

Brooklyn lived with her parents for the first year of her life and for another period of eight months as a young child. She had five siblings and her early years reflect the challenges faced by her First Nation community including, poverty, substance use, minimal community supports and intermittent access to education. Brooklyn was apprehended at just under a year old. She maintained some contact with her parents and siblings on and off throughout her life. Brooklyn was consistently placed in the same home as her younger sister and they maintained a lifelong connection.

Brooklyn was diagnosed with fetal alcohol spectrum disorder, a mild developmental disability, a reactive attachment disorder, learning disabilities and developmental trauma disorder. As early as age four, a psychiatric assessment stressed the importance of permanency planning and warned of issues with attachment. Medication was prescribed to address symptoms of sleep disruption, attention, impulsivity and anger management. Brooklyn was twice admitted to in-patient children's mental health units as a young adolescent, following outbursts of aggression, and received some counselling and art therapy while in her placements.

Efforts to find a stable kin or customary care living arrangement for Brooklyn closer to home were attempted throughout her life, but were unsuccessful. By the age of six, she had lived in 17 foster homes in Northern Ontario, almost all of which were located in First Nations communities.

At age six, Brooklyn and her sister moved to a foster home 800 kilometers from home, which was operated by an outside paid resource agency. Brooklyn had minimal English language skills at that time and had not attended school regularly. She and her younger sister lived with this foster family for six years, and this was by far the most permanency she experienced. The end of this foster placement was abrupt and the reasons appear to be unrelated to the children. Minimal support was provided to Brooklyn to process her feelings about this transition and the resulting change of foster parents, community, school and therapists.

Following two foster placements within the next year operated by a different outside paid resource agency, Brooklyn experienced eight additional placements operated by multiple OPR agencies between the ages of 13 and her death three years later. The longest duration of stay was seven months in one group home. From the age of 14, school attendance was disrupted and Brooklyn exhibited challenging behaviours that were anticipated in early assessments. Brooklyn had a history of fire setting behavior.

At the time of her death, Brooklyn had been living in a staff model foster home for ten weeks following an emergency placement with minimal transition planning. Brooklyn was not attending school nor was she involved in any community activities.

Following a series of departures from the group home without permission to meet individuals thought to be involved with illegal activities that took advantage of vulnerable youth, a screw was inserted into Brooklyn's bedroom window to prevent it from opening fully. This occurred with the intention of preventing Brooklyn from using the window to depart the residence. No other safeguards and supports intended to mitigate the various concerns were evident.

Attempts to limit access to social media created significant contention, and Brooklyn would isolate herself in her bedroom, at times barricading herself in the room by pushing furniture against the door. On the day of her death at the age of 16, she became upset with staff when her internet access was withdrawn. She pushed her mattress against her bedroom door and set fire to it. The mattress blocked her exit and prevented staff from entering the room, as did the screw in the window. Her death was determined to be accidental as a result of smoke inhalation.

## **ASHLEY \***

Ashley was described as a bright young person who had musical talent. She expressed her creativity through sketching and drawing and liked to play cards and electronic games. She was known to have had remarkably good insight into the issues she experienced in her life, and had detailed discussions with physicians and psychiatrists about the effects that prescribed medications had on her.

When Ashley was abandoned at birth, her grandmother became her caregiver through an informal arrangement. They lived together for the next fifteen years in their First Nation community and her mother would visit sporadically.

As a child and young adolescent, Ashley witnessed domestic violence between extended family members and suicide attempts within the family. She experienced sexual abuse and bullying. Ashley engaged in substance use and vandalized communal property. She witnessed at least two incidents resulting in death or serious injury of another child in her early life.

Ashley's frequent suicide attempts resulted in repeated medical evacuation to the children's in-patient psychiatric unit of a local hospital. Her grandmother's ability to care for Ashley became compromised as a result of her advancing age, challenging life circumstances and her own medical and mental health challenges.

At age 15, following eight instances of suicidal ideation and attempts, Ashley was brought into care under a customary care agreement and the Indigenous Child Wellbeing Society. This supported Ashley's wish to enter a residential treatment program. Following this, her extensive background of psychiatric, psychological and behavioural problems resulted in six hospitalizations (two of which were approximately five months in duration) and 10 suicide attempts. She lived in 18 different placements, including treatment foster programs, three treatment programs operated by First Nations communities in Northern Ontario and on one occasion, secure treatment. Ashley moved 23 times, including four instances when she returned to her grandmother's home when no alternative was available and five one-night placements on a crisis basis.

Over time, diagnoses included cannabis abuse, conduct disorder, post-traumatic stress disorder (PTSD), dissociative identity disorder, and complex trauma response including dissociation, intrusive recall and borderline organization. Ashley was reported to have used cannabis daily since the age of 11. Medication was prescribed and frequently adjusted as the efficacy of these medications was seen to be questionable. In particular, medication was used to prohibit the nighttime recall associated with the PTSD.

The possibility that Ashley was transgender was noted in the file but not addressed directly by any service provider.

Two months prior to her death, Ashley moved to a therapeutic foster program located close to her home community. At the time of her placement, an institutional child protection investigation of the children's residence was underway and verified a number of child protection concerns.

Although Ashley was to have 1:1 staff supervision while in this placement, she was regularly allowed to leave the home unaccompanied by staff. She was not attending school or receiving any therapeutic intervention. Despite this, her behaviour seemed to stabilize and there were no suicide attempts while in this placement.

The evening preceding Ashley's death, she was dropped off by staff of the foster home at a location where relatives from her home community were staying. Ashley was expected back at the foster home by 11 p.m. Ashley and three other young people went to a secluded area of a local park. The youth later confirmed that they had consumed alcohol, smoked marijuana and left Ashley in the park as she was unable to be roused.

When Ashley had not arrived at the foster home by 12:30 a.m., police were called and a missing person was reported. Ashley's body was found in the park at approximately 8 p.m. that evening. It was determined that the death was accidental and the result of drowning in a young person with acute ethanol intoxication.



## *Section 2: Findings & Observations*

## *Indigenous Young People, Their Families and Communities*

Overall, there were many similarities in the histories of the 12 young people, their families, and communities, and in their experiences of care.

### **Key findings**

- Despite complex, traumatic histories and the high-risk nature of these young people's lives that was evident early-on, intervention and prevention was minimal, and sometimes non-existent despite having been identified early. Responses to young people and their families was largely crisis oriented.
- The identities of the young people were not incorporated into service delivery or care. Indigenous, Black and LGBTQI2S young people were not consistently connected to identity-based or culture-based programs, nor was their identity incorporated into their care. There was a lack of attention paid to their identities, and minimal efforts toward inclusivity.
- Young people were often not living in environments that fostered a continued sense of purpose, belonging or healthy, long-term attachment to any adult in their lives. They frequently did not appear to have been encouraged to be hopeful about their futures or to have positive aspirations or engage in activities to promote their capacities.

### **Summary of Observations**

The experience of complex, multiple traumas was determined to be common to each of the young people. Many of them also came from families that would be assessed as high-risk. Indications of intergenerational trauma were evident in the stories of the eight Indigenous histories reviewed.<sup>11</sup> Some of the families questioned whether caregivers in the placements provided adequate support for young people experiencing trauma, grief, loss of loved ones, and who had experienced sexual assault or abuse.

The challenges faced by these young people seemed to be compounded on entry into care. During the Panel's meetings, one of the Indigenous Elders shared a story about a community ceremony that takes place early in life that provides children with a name, a clan, free will, and a purpose. The Panel reflected that the ceremony encompasses many of the fundamental components that were observed to have been missing from the experiences of the 12 young people - identity; relations, connections and belonging; roles and responsibilities; empowerment to choose their own path; and purpose.

The Panel observed that there was a lack of attention and responsiveness to young people's identities. Indigenous, Black and LGBTQI2S young people who faced marginalization were not consistently connected to identity-based or culture-based programs, nor did it appear that their identity was considered when determining services during their time in care.

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<sup>11</sup> See page 40, Eight Indigenous Lives for additional content relating to intergenerational trauma.

Young people, families and Society workers all identified significant challenges for young people in care in connecting with others.

Young people with lived experience frequently describe social isolation and a lack of meaningful connection. They reflected on the trauma of being removed from families and communities and of having no one they were comfortable talking with or an emotional outlet. Young people described “desperately” needing a bond, and someone to guide them.

Some of the young people described being in a group home as being equivalent to living alone. They reported a lack of supervision, an ability to come and go from placements at will, not enough security, and no counselling or people to talk to.

Some families reported that they believed their children had limited contact with them while in care. One parent reported that their child had to ‘sneak’ calls to their family and consistently expressed loneliness and a desire to go home. Another parent explained that it was difficult for their children to spend holidays away from their community.

The Society workers and staff from placements spoke about the importance of having a goal of reunification with biological families, and noted that placing young people as close to home as possible supports this goal. Connection to families, community and culture were identified as being integral to young people’s sense of identity and belonging.

### **Specific Opportunities for Improvement**

- Prioritize keeping children with their families of origin for as long as possible.
- Provide biological parents and children with supports early in the intervention process, so that young people do not have to experience a removal from their homes and communities.
- Consider removing parents from their communities for treatment and support, rather than apprehending young people.
- Have staff in placements, Society workers, and caregivers who accept, support, and/or reflect various identities, including those that identify as LGBTQI2S and Indigenous.
- Connect young people to others with lived experience of the child welfare system and with mental health challenges so that they will not feel alone in their experiences.
- Caregivers should operate with the assumption that young people have experienced trauma, understand the impacts of trauma on brain development and employ a trauma-informed approach.



## *Eight Indigenous Lives*

Eight of the young people who were subject of the expert panel review were Indigenous and from First Nations communities in Northern Ontario. The Panel took care to acknowledge the uniqueness of these young people, their families of origin and their communities in a way that acknowledged and honored the differences in their lives, experiences and needs. The majority of those communities are remote.

### **Key Findings**

- The young people, their families and their communities were impacted by colonization, the legacy of residential schools and intergenerational trauma.
- There were significant structural barriers, a severe inequity for family and child services and limited access to specialized resources in the young people's home communities.
- Inadequate shelter, water and food in the young people's home communities was a striking feature of the young people from remote communities. Many of the young people did not have equitable access to education, healthcare, including mental health care, social services and recreational activities.
- There was a lack of culturally safe, trauma-informed approaches with a focus on early intervention, prevention and family supports.
- It did not appear that young people had a safe place to go on-reserve, when it was needed.
- Particularly after removal from home communities, young people were placed in environments with minimal connection to Elders, land-based teachings, traditional ceremonies and wholistic care, and their placements did not appear to acknowledge and/or provide for their cultural needs.
- Indigenous Child Wellbeing societies that serve young people and families in remote First Nations communities have distinct restraints to delivering services that other societies do not (e.g. large geographic areas, limited resources).
- Despite historical and current impacts of colonization, the legacy of residential schools and intergenerational trauma, Indigenous communities continue to persevere, to heal and to reclaim their culture and identity.

### **Summary of Observations**

It was overwhelmingly clear to the Panel that there were significant structural barriers and limited access to resources in the young people's home communities. The Panel heard from Chief and Council in two communities that a lack of sustainable funding is a challenge. In particular, funding to support cultural healing programs was referenced. The inequitable access to resources has contributed to inadequate shelter, water and food. Many of the young people did not have regular access to education, healthcare, including mental health care, social services and recreational activities.

Indigenous young people with lived experience explained that their home communities are often without clean drinking water and fresh fruit and vegetables, resulting in a reliance on less expensive processed foods. They described over-crowded housing units without electricity and running water.

They talked about having no leisure activities available to them, and related this to young people's mental health and increased substance use. They noted that they need something to do to stay occupied; mentioning that their communities try to have activities available, but often, these are only available on special occasions.

Indigenous young people also described many positive attributes of their home communities - large extended families that they were close with, a sense of home and community, and the opportunity to learn their own culture, customs and language.

Similarly, the Elder panel members spoke of the importance of extended family and connectedness to family and culture. They observed a lack of culturally safe, trauma-informed approaches with a focus on parenting and family supports. The leadership in one of the communities discussed the intergenerational impact of residential schools in their community and familial sexual abuse. They indicated that in order to respond to intergenerational trauma, systemic barriers must be addressed and resources must be sustainable.

Overall, the young people, their families, and their communities were observed to have been impacted by colonization, the legacy of residential schools, and intergenerational trauma.

Indigenous young people reiterated this when they spoke of intergenerational trauma resulting from their family members growing up in residential schools. They explained that because their communities have a recent history of growing up without parents (in residential schools), they do not have any parenting skills. They described a lack of parenting supports and classes in, and appropriate to, their home communities. They talked about westernized parenting classes as "forcing a foreign model onto a culture." They suggested that a model where families heal together would be a better fit in their communities.

They talked about a community raising a child and noted that the nuclear family model is not in practice in most Indigenous communities. They also noted that parents are often told that they will get their children back when child protection services apprehend but they don't, contributing to mistrust of the societies in the communities.

The Chief and Council in three of the communities maintained that there needs to be structured, sustainable support on-reserve so that young people do not have to leave for services and if they do, they are supported in their transition home. Prevention services and family supports were rarely available, and it did not appear that young people had a safe place to go on-reserve, when it was needed.

**Indigenous young people indicated that where there are prevention services in their communities, when families try to access those services it frequently results in an apprehension, which discourages involvement.**

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The Panel saw very little effort to provide wholistic care or to prioritize spiritual needs. When the Indigenous young people were removed from their homes, many of them were placed far

away from their home communities. Indigenous families and leadership from three communities spoke of the need to keep young people in their communities, or as close to home as possible. The Panel observed minimal connection to Elders, land-based teachings, and traditional ceremonies, particularly after removal from their home communities.

Indigenous young people spoke of the importance of connection to the land. They described wanting opportunities to go out on the land, and to hunt and fish, when they were away from their home communities. They described this as an important part of their culture and spiritual practices that were often missing when placed outside of their communities.

Indigenous young people described the culture shock that they experienced when they were removed from their communities – being expected to use transit systems, to adapt to the ways of urban life, and increased availability of alcohol.

The young people also describe facing racism in urban settings – having things thrown at them, being bullied, and being subject to negative comments in person and on social media often on a daily basis. They spoke about the use of alcohol to escape – they indicated that many young people “go out, get drunk and get lost” in the city.

The Panel acknowledged that Indigenous Child Wellbeing Societies that serve young people and families in remote First Nations communities have distinct challenges in delivering services that other societies do not. For example, the geographic jurisdiction of their caseload may be far larger and the resources in the communities far fewer.

Leadership in two communities and young people with lived experience explained that there are challenges related to confidentiality in small communities.

**Young people described the close relationships between Society workers and mental health workers in their communities and the families they serve; indicating that in some cases it was felt that these relationships compromised the integrity of child protection investigations and decision-making.**

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The Panel suggested that funding to Indigenous communities should be based on the needs of each community and that programs and services should be designed, developed, and delivered by Indigenous communities so that they are more relevant and effective in serving young people and their families. Young people wondered whether a Gladue approach<sup>12</sup> could be applied to young people that come into care and whether a restorative justice approach could be taken to child protection within Indigenous communities.

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<sup>12</sup> In Canadian sentencing laws, Gladue refers to the requirement that a judge pay particular attention to the circumstances of Indigenous offenders and to consider reasonable alternatives to imprisonment.

The Panel acknowledged the resilience of the Indigenous young people, their families and communities that were subject of the review; highlighting that despite historical and current impacts of colonization, the legacy of residential schools, and intergenerational trauma, their communities continue to persevere, heal and reclaim their culture and identity.

### **Specific Opportunities for Improvement**

- Indigenous young people suggested that it might be better to remove parents from their communities for treatment and support, rather than apprehending young people.
- Indigenous young people should be taught about the history of residential schools, colonization, and patriarchy.
- In the event that it is not possible to place Indigenous children in their home communities, Indigenous language classes should be offered.
- The leadership in two of the communities indicated that there should be group homes in First Nations communities and there should be professionals who stay in the community, rather than coming in for a crisis and then leaving. They proposed that it would be beneficial to have a community liaison who knows how to navigate mental health systems.
- The leadership in two of the young people's communities noted that Jordan's Principle should always be applied; a concept with which the Panel agreed. Jordan's Principle is a child-first principle that aims to resolve jurisdictional disputes regarding payment for services between provincial/territorial and federal governments in a timely manner, so that services to First Nations young people are not delayed or interrupted.<sup>13</sup>
- The leadership in one Indigenous community maintained that community engagement is very important and communities should determine their own specific needs when funding is available. They should design, develop and deliver their own services to their home community.

**"I was always ashamed of being a Native person. After learning about our ancestors I feel empowered."**

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### ***Society Involvement & Placements***

The Panel identified many commonalities in the young people's residential placements including: the distance of placements from their home communities, frequent placement transfers, and common practices and approaches when working with young people.

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<sup>13</sup>Government of Canada (2018). *Definition of Jordan's Principle from the Canadian Human Rights Tribunal*. <https://www.canada.ca/en/indigenous-services-canada/services/jordans-principle/definition-jordans-principle-canadian-human-rights-tribunal.html>

## Key Findings

- Many of the young people were placed far away from their home communities, making it difficult to stay connected to their families, communities, and cultures.
- Multiple placements negatively impacted young people's ability to build relationships and form healthy attachments with their caregivers, teachers, or any other adults.
- Multiple placements impacted young people's access to a meaningful education. Their absence from school environments contributed to social isolation and gaps in life skills development.
- Physical restraints and 1:1 supervision models are commonly used interventions in residential placements. There does not appear to be a shared understanding of the different intervention models, or a standard or consistent approach to them.
- The implementation of 1:1 supervision models appeared to be used in response to an immediate safety need and did not incorporate meaningful engagement and relationship building with young people.
- The value of 1:1 supervision to support young people beyond a short-term crisis is unclear, but many of the young people were subject to 1:1 supervision for long periods of time.
- There is no minimum standard for capacity, supervision, qualification, training and education for staff and caregivers.
- There is a need to better understand the risk factors, indicators and effective interventions for human trafficking.
- The youth voice is fundamental to the wellbeing of young people. Young people had minimal opportunity to have a voice in their care, their voices were not prioritized, and their attempts to communicate their needs were often overlooked, ignored and characterized as "attention-seeking."
- The basic needs of young people were inconsistently met.
- The poor quality of the care that the young people experienced throughout their lives had a profound impact on them.
- Young people were not meaningfully engaged in services or programs in the community, including educational programs and mental health services, for significant periods of time – they were often in their placements all day, with very little to do. There were indications to suggest that several of the 12 young people were at risk of and/or engaged in human trafficking.

## Summary of Observations

Many of the 12 young people were placed far away from their home communities with the longest distance up to 1,600 kilometers.

Young people with lived experience described placements that were far away from their home communities. They spoke of seeking connection – to land, family (including siblings), community and language. They reflected on their desire to return to their home communities at the earliest possible opportunity; for many, this was age 16, when they left care because they wanted to return to their home community.

The Panel noted that when young people are no longer connected to their cultures, families, communities, education, and social supports, they are stripped of one of their strongest

safeguards – natural advocates. The Panel suggested that the further the young people were moved from their home communities, the more difficult it would have been for them to maintain connection to the people in their broader communities that cared and advocated for them, if they could not do so for themselves.

In addition, most of the young people had multiple placement transfers. The moves were often unplanned, resulting in emergency placement at the first available location. Sometimes multiple placement transfers occurred in a short period of time. For example, one young person was transferred 18 times in a 20 month period. The Panel and workers noted the challenges to providing quality care, building relationships, maintaining education, and forming healthy attachments with caregivers when young people are transferred so frequently. Society workers and staff from placements described apprehension from families and the trauma experienced by young people being transferred to a new placement.

### **Young people reiterated this sentiment and spoke of transferring placements with their belongings placed in garbage bags, describing this as a dehumanizing experience.**

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In addition to multiple placement transfers, young people talked about placement selection, noting that the children’s aid society or Indigenous Child Wellbeing Societies “try to find a place to stuff kids.” They described placement selections as being determined based on where there are residences, rather than on fit, and a lack of compatibility between placements and their needs – language, culture, and personality. They reflected on times when they felt they were not welcomed or accepted in already established families, and often felt treated as “a paycheque.”

The Panel found that there were common approaches to interventions and practices in residential placements. One of these practices is to implement a 1:1 supervision model when a young person is considered to be at risk of harming themselves. The Panel observed that across residential placements, it did not appear that there was a shared understanding of how 1:1 supervision models are operationalized in residential placements. The staff from placements explained that typically, a 1:1 refers to a staff member providing constant eyesight supervision to a young person, until they are determined to be at a lower risk level. It was explained that the implementation of this practice requires extra staff to be working. This can present challenges when there is not enough staff available during a shift and it can interfere with the care of the other young people in a residence.

While the Panel recognized that there are circumstances where 1:1 supervision models are required to ensure immediate safety, it appeared that this was often the extent of the intervention. The Panel noted that at times, constant eyesight supervision can serve an immediate safety need however; to promote positive wellbeing and create an enriched environment for young people, the staff from placements and caregivers must also engage young people and build meaningful relationships with them. This does not appear to be part of the current approach to 1:1 supervision. The Panel also observed variance in the

implementation and cessation of 1:1 supervision models, noting that some of the staff making decisions regarding 1:1 supervision may not have had adequate training in this area.

Another common intervention in residential placements was the use of physical restraints. The frequency of physical restraints in the young people's residential placements was notably high and was the most common serious occurrence reported in a six month period. The Panel observed that there was inconsistency in the type of physical restraints used and the length of restraint with the longest restraint to a young person lasting up to two hours. According to the MCCSS Guidelines for Serious Occurrence Reporting, any restraint must be reported as a serious occurrence. As part of the report, the less intrusive measures that were used before the restraint must be described. The Panel found that there was variability in the interpretation and/or application of less intrusive measures and in the approaches to de-escalation before the use of a physical restraint.

The Panel, families, Society workers, staff from placements and young people with lived experience all spoke of staff and caregiver capacity in residential placements. Everyone acknowledged the level of skill, expertise, attention, and care that is required to support young people and the significant impact they can have on a young person's life; whether positive or negative.

The Panel observed that there was an absence of quality care in residential placements. The Panel noted that quality of care is influenced by staff and caregiver training, qualifications, education, compensation and a supportive workplace environment. In particular, the Panel observed that staff from placements, Society workers, and caregivers were not always prepared or enabled to support young people with mental health challenges, substance use, concurrent disorders, fetal alcohol spectrum disorder and/or complex trauma. The Panel also noted that there was significant variability in caregiver capacity. Society workers noted that staff working in residential placements often lack formal qualifications and frequently work part-time in multiple places to make ends meet given the low rates of pay.

Young people described staff in residential placements as lacking adequate training and that there are inconsistencies in group home standards for their staff (e.g. qualifications, education and training). They explained that specific skills are needed to support children and youth, and that staff capacity is an issue stating that, 'it can't be just anyone doing the job.' For example, a young person described that a group home may have multiple youth living with different diagnoses (e.g. oppositional defiant disorder, fetal alcohol syndrome, attention deficit disorder, anxiety, depression etc.). The young person explained that if there is only two to three staff working to support multiple youth with high needs, they are unable to provide adequate support.

Young people also explained that staff from placements have demanding jobs, leading to high burnout rates and staff turnover. They suggested that if efforts were made to make work less demanding, there would be more opportunity to be meaningfully engaged with young people.

There were indications to suggest that several of the 12 young people were at risk of and/or engaged in human trafficking when they were in a residential placement. The Panel recognized that this risk increases when youth do not have a solid and consistent support network. They indicated that human trafficking is largely misunderstood and that it would be beneficial for staff from placements, Society workers, caregivers and police to understand risk factors, indicators and effective interventions if they suspect a young person is being victimized. In

particular, the use of the internet and social media in luring young people into human trafficking must be explored.

## Youth Experiences in Placements

The experiences of young people, while influenced by their identities, histories and where they come from, were also significantly impacted by their interactions with systems of care that were intended to serve them. The following details some of what Panel learned about their experiences in residential placements.

Many of the 12 young people did not appear to have had an opportunity to meaningfully provide input regarding their needs, desires and overall care. In some cases, it was apparent that they were explicitly exercising their voice and they were ignored. For example, there was written evidence of a young person explaining their trauma, struggles and perceived barriers to improving their circumstance. This person was doing everything within their power to have a voice, ask for help and articulate what they needed – both from individuals, and from the systems. The Panel observed that the adults within their sphere of care did not prioritize the young person's voice and did not adequately respond to their pleas for help.

While there was evidence of young people asserting their voice explicitly, the Panel also observed that there were numerous examples of their needs being communicated indirectly and being overlooked by Society workers, staff from placements, or caregivers. At multiple points in their lives, the young people communicated by 'raising flags' like self-harming, acting aggressively, or running away. Rather than interpreting these behaviours as communicating a deeper need and responding in-kind, it was, too often, responded to with a punitive approach, dismissed as 'attention-seeking' or, with a visit to the emergency department, or a transfer to a new placement.

Young people with lived experience identified many commonalities related to their placement experiences and the quality of care they received. Several of the young people in one geographic area shared experiences of sexual, spiritual and physical abuse at the hands of caregivers, as well as neglect.<sup>14</sup>

The young people indicated that they reported this abuse to their workers, only to have their workers be spontaneously changed without follow up. They indicated that the workers never acted upon their reports and concerns, which fostered a lack of confidence and trust. One of them said "I didn't know who to trust with my words after that." Another said, "No one comes at the end of the day for kids who cry abuse in the system." After disclosing abuse, the young people described a lack of documentation of their disclosures, which in turn led to an inability for them to pursue recourse through the judicial system. They described significant impacts of this abuse including, ongoing post-traumatic stress related to their placements, as well as night

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<sup>14</sup> Note that as these experiences were all reported in one geographic area, the former Ministry of Children and Youth was advised. As the incidents were historical and information regarding the caregivers' identities was not provided to the Office of the Chief Coroner, the incidents were not reported to a children's aid society.



terrors and other trauma-associated impacts, including an inability to accept or express compassion, or to “learn emotions.”

Young people also spoke of a general lack of thoughtful, attentive and intentional care. Workers, staff and caregivers were described as making young people feel like “just another paycheque.” They described being in care as living out of a suitcase, without a proper address and often being transferred to new placements. They spoke of group homes with “two to three people watching the house, smoking inside and inviting their friends over” (referring to caregivers) and of not being allowed to use the phone, or access anyone outside of the care setting for help. Young people referred to extended society care (formerly known as Crown wardship) as a primarily financial agreement; indicating that not all of their fundamental needs can be met with money.

Several of the young people’s families reported that they did not feel that their children’s placements were supportive, positive environments where they were really listened to. Some questioned whether Society workers prioritized the perspectives of placement caregivers over the perspectives of their kin when making decisions about their care.

A parent described their child to have been unhappy in their residential placement and to have been ‘just living there.’ A number of families reported that their children told them they were forcibly restrained whenever they were angry, that caregivers were ‘not nice’ or that they were threatened by their caregiver.

The Panel observed that young people’s basic needs were not always met. There were young people who were largely absent from the homes they were placed in, and it did not appear, based on available information, that anyone was aware of or concerned about how their time was being spent. The Panel observed that many of them were not meaningfully engaged in services or programs in their placements or in the community. There was little connection to day programs, youth centres, recreational and leisure activities and many instances with no access to education for significant periods of time.

### **Specific Opportunities for Improvement:**

- The youth voice should be considered, valued and respected at all times.
- Young people should be placed as close to their home communities as possible, wherever this does not pose a safety risk.
- Priority should be placed on promoting long-term placements for young people where there are opportunities to form healthy, long-term attachments to adults.
- Society workers and staff from placements should take care to reduce the trauma of apprehension and placement moves as much as possible.
- More research is needed to understand the most appropriate use of physical restraints with young people.
- Staff from placements and caregivers should receive mandatory training in human trafficking, mental health challenges, substance use, concurrent disorders, fetal alcohol spectrum disorder, LGBTQI2S issues, Indigenous culture and culturally appropriate service delivery, and complex trauma for young people.
- Youth should be provided with opportunities to articulate their own needs and for those needs to be taken seriously. Children and youth should be informed of all processes and interventions concerning them.

- No young person should have to move with their belongings in a garbage bag.
- Through a screening process, it should be made clear what the expectations of foster parents are, and what the child or youth's expectations are. They should be matched accordingly.
- Young people should be grouped and housed according to their needs.
- Efforts should be made to make work less demanding for staff in children's residences, so that there are lower burnout rates, less staff turnover and there is more opportunity to be spent meaningfully engaged young people.

**“I have always wanted to ask my workers, “What if you were in my shoes?”**

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**“You can't just give someone a cheque and expect them to raise a child – it's more complicated than that.”**

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## ***Mental Health Care***

All 12 young people that were subject of the expert panel review struggled with mental health challenges. The following section outlines the Panel's findings and observations of the mental health services provided to the young people.

### **Key Findings:**

- Mental health care was fragmented, crisis-driven, reactionary, and in many cases, non-existent.
- There were concerns regarding the availability of long term and intensive mental health care; particularly for latency/early teenage youth.
- There is a need for wholistic, prevention-focused assessment and intervention that is delivered early-on. When a young person was experiencing mental health challenges, there appeared to be a tendency to connect them to hospital emergency departments or psychiatric services (where they are connected at all), without exploring or leveraging the availability of other services that could be beneficial to their mental health and wellbeing.
- There are striking inequities in mental health care availability in northern First Nations communities.
- There seems to be an assumption that the child protection system has the mandate and capacity to provide mental health care and/or to promote young people's mental health needs being met. The distinction between child protection services and mental health care are not clearly understood by families, children and youth serving sectors.

## Summary of Observations:

The Panel found that there were commonalities in the young people's interactions with mental health care services. It was notable that the degree to which the young people and their families had access to mental health care varied considerably depending on their geographic location. This variability was also apparent with the experiences of the young people with lived experience and information received from families and Society workers.

Regardless of location, the Panel observed a lack of comprehensive, prevention-focused mental health care in all 12 of the histories reviewed. Throughout these young people's lives, there were identifiable points where early assessment and intervention may have prevented declining mental health and possibly, apprehension by a Children's Aid Society or Indigenous Child Wellbeing Society. Some of the young people's families reported requesting support for their children's mental health very early in their lives and noted that they were not able to receive what they needed. For those that received mental health care, it was often fragmented and short-term, though based on available information, longer-term may have been more beneficial.

Young people, families and Society workers identified lengthy waitlists to be a barrier to accessing mental health care. Multiple hospital visits prior to receiving care, or multiple hospital visits without any additional care, seemed to be a common experience for many of the young people whose histories were reviewed, in addition to those with lived experience.

Indigenous young people and the leadership in three of the young people's communities noted that counselling in remote First Nation reserve communities is complicated because of the small size of the population; workers are often community or extended family members acquainted with the young people and their families, causing concerns about confidentiality within the community and creating a barrier to accessing mental health services.

The Panel observed examples of young people who were involved with child welfare not because of child protection concerns, but because all mental health or developmental service options in their communities had been exhausted and families were not able to cope or meet the mental health needs of their children. Families reflected on their belief that the child protection system would be a pathway to mental health care for their children.

**A young person explained that they went into care because of mental health challenges, after their parent contacted the Children's Aid Society numerous times to ask for support and to be connected to resources. This young person feels that if they had been able to get into supportive mental health programs early, it may have been possible to continue living with their parent.**

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In the histories of the young people reviewed, the Panel found examples of young people who appeared to have a developmental disability and did not receive an official diagnosis, despite descriptions of symptoms in the documentation. In other examples, young people were likely experiencing a developmental disability, and were being assessed as having mental health challenges, and treated as such. In particular, the Panel noted that there seemed to be a lack of understanding about the most effective treatment options and support for young people living with fetal alcohol spectrum disorder.

Both staff from placements and Society workers reported that when young people have involvement with child protection, parents and community service providers such as teachers, school boards, nurses, doctors, assume that their mental health needs will be met. They also expect streamlined access to mental health resources by virtue of this involvement. Each group explained that these are unrealistic expectations of the child protection system, and that consequently, young people's mental health needs are not being met.

Similarly, staff from placements and Society workers explained that in a crisis, young people are often discharged from hospitals because they are not considered at risk of suicide in that moment. For example, a young person who is consistently self-harming by cutting will be discharged because the doctor says 'cutting is rarely successful (in dying by suicide)' or they are dismissed as 'attention-seeking.' Staff from placements and Society workers described young people routinely being discharged without a safety plan. When a safety plan was recommended, it was usually to implement 1:1 supervision. Staff from placements noted that the implementation of this type of recommendation requires additional staff and approval from the Society that cannot be secured immediately, resulting in a gap in the safety of the young person. The workers and staff articulated the challenges this represents to providing sustainable responses and to preventing further mental health crises by securing long-term treatment for young people. The Panel observed that 1:1 supervision was often insufficient to keep young people safe, and provided no support to the young people in improving their mental health or wellbeing, calling into question the effectiveness of 1:1 supervision overall.

The Panel observed that all of the 12 young people should have had mental health assessments early-on and on a routine basis thereafter, however; many of them did not. Staff from placements explained that when young people are in crisis and are taken to the hospital, the degree and nature of assessment is reported to vary considerably, even where self-harm and suicide ideation are present. In some cases, the staff from placements reported that there are young people who are 'blacklisted' (a term reportedly used by hospital staff) from admission to the hospital. Placement staff members were of the impression that this meant young people would not be admitted or appropriately assessed when they presented in hospital in some circumstances. When asked, hospital staff did not confirm the use of the term, but explained that some young people do not benefit from hospitalization, and that the hospital often assumes that young people are receiving the support they need in their placements and/or through the child protection system. There was no information available to guide this determination.

While the Panel observed fragmented and reactive mental health care for some young people; they found a complete lack of mental health care for others. In particular, the Panel observed inequities in mental health care in northern First Nations communities. In some cases, there was no access to a doctor or a mental health worker in the community. In the event of a mental health crisis, young people would be taken to a nursing station. If young people were determined to need more care and support, they would be transported to the nearest city,

which was often a considerable distance away. Families and the leadership of one of the communities described the need for young people to receive culturally appropriate services. They also explained that when young people are removed from their communities for care, they struggle to maintain progress when they return to the same environment.

Young people explained that sometimes there are mental health workers in First Nations communities who are not formally trained, but can take young people out on the land, which can be of significant benefit to their mental health.

The Panel observed that where psychiatric services were unavailable in First Nations communities, young people were sometimes connected to psychiatric services through telepsychiatry. The Panel acknowledged that while this model can bridge immediate service gaps, without understanding the context of the community, it is challenging to make realistic, culturally appropriate and sustainable recommendations to support young people's mental health.

Indigenous young people from Northern Ontario candidly described suicide attempts, self-harming behaviours, and friends who had died by suicide. When asked about mental health supports, many of the young people were unable to articulate having ever been offered any form of mental health support. They described talking to their workers and being told to "get over it." They described foster parents that did not report suicide attempts to children's aid societies or others for months, because of concerns that the child would be removed from their care (which would have consequential impacts on the financial supports they receive). One young person described a suicide attempt by overdosing on medications; they indicated that they were mistaken for being intoxicated on alcohol and "thrown in the drunk tank overnight."

The Panel felt that the 12 young people subject of this review were often considered in isolation of their families, communities, environments and broader social structures surrounding them. It was suggested that wholistic, team-based mental health care, including assessments and treatment that consider the whole child (i.e. physical, emotional, spiritual, and mental) in relation to their environment could have benefited the 12 young people immensely. The Panel also felt that innovative therapies should be explored, and that in particular, innovative and original Indigenous ways should be supported and validated. With a wholistic approach to mental health, the impacts of intergenerational trauma, systemic racism, or socio-economic and structural barriers are less likely to be interpreted as mental health challenges that are particular to the individual young person.

The Panel and families discussed the need to better understand young people's use of the internet and social media and its relationship with their mental health. There were concerns about the internet being used to facilitate suicide pacts and incidents of cyberbullying. The Panel and families also recognized that while the internet sometimes presents safety concerns, there could be opportunities to better support young people through the internet and social media.

### **Specific Opportunities for Improvement:**

- Wholistic, team-based and preventative screening and assessment tools should be developed at the local community level to enhance relevance, cultural appropriateness and effectiveness.
- Prevention of mental health challenges requires going beyond typical mental health care to include access to basic needs, education, recreation and community programs.
- Mental health care should consider the whole child (i.e. physical, emotional, spiritual and mental) in relation to their environment (family, extended community, etc.).
- More research and training with regard to opportunities and risk factors of young people's internet use. In particular, suicide pacts and cyber bullying.
- Some families identified the need for mental health care that is targeted towards young people who are survivors of sexual abuse.
- Mental health services should include traditional ceremonies appropriate to the community such as the use of feathers, sacred circle meetings and pipe ceremonies.
- When medication is used to treat mental health, it should be coupled with additional therapeutic supports.
- There should be a phased approach to transitioning out of mental health services.
- There should be more basic training for workers and caregivers to understand mental health so that it is not misinterpreted as behavioural challenges (e.g. anger).
- Out-patient treatment should be prioritized, wherever possible.
- Counsellors and workers should avoid having young people retell traumatic stories, wherever possible.
- Staff from placements suggested that extra support is required from hospitals to de-escalate and ensure appropriate follow-up care when a young person is in crisis, even if the young person does not need to be admitted to the hospital.

**"I wasn't mad at the system, I was mad at the fact that I wasn't safe while I was in the system."**

## ***Service Systems***

The interactions that the 12 young people and their families had with service systems greatly influenced their wellbeing. The following section will consider those service systems, how they intersected, and their impact on young people and families.

### **Key Findings:**

- Young people did not receive enriched, meaningful or quality care with a focus on family preservation.
- Roles, relationships and communication structures in the child protection system are not clearly defined.
- There was an apparent lack of transparency and information sharing between Children's Aid Societies or Indigenous Child Wellbeing Societies, children's residences, and other child and family services.

- There was a lack of service integration at the local community level (e.g. schools, cultural programs, community recreation, and local supports and treatment).
- There is variability in access and availability of children’s residential beds and treatment beds, and a lack of clarity regarding the meaning of a ‘treatment bed’
- The overall cost to support young people in the child protection system cannot be ascertained and is not recorded in one consolidated place.
- The service systems the young people were involved with did not focus on family preservation.

## **Summary of Observations:**

### *Service System Integration*

The Panel found that the roles, relationships, and communication structures between the various serving organizations, and types of serving organizations (i.e. child protection and community mental health) were not clearly defined.

Oversight structures were also unclear. Staff from placements and Society workers seemed to have limited understanding of initiatives underway by MCCSS.

There appeared to be a lack of transparency and information sharing between societies and those providing care to young people in homes or residences, in particular Outside Paid Resources (many of which are for profit operators) . Society workers and staff from placements explained that because there is no formal process for information sharing between societies and placements, important information about young people such as information from assessments and their historical and social context does not always make it to the frontline staff who support young people, creating a gap in their ability to provide quality care. The Panel noted that information sharing about placement availability and quality was limited and societies had variable access to residential and treatment beds. While interagency service protocols do exist, information sharing and communication still appeared to be an issue where multiple societies were involved with the same children and families.

The Panel noted that in some cases, jurisdictional issues between societies and other child and youth serving agencies caused a barrier to young people accessing the services they needed, or to accessing quality care. The Panel asserted that Jordan’s Principle should be applied in all circumstances where jurisdictional boundaries cause delay in service delivery or impact a young person’s care.

Many societies were perceived by other agencies in the community as having capacity to provide prevention services, protection services, and care to young people and their families. In some cases, societies endeavoured to provide a spectrum of services beyond child protection (i.e. prevention services), while others did not. Some societies formally deliver a continuum of services; these societies are referred to as ‘multi-service agencies’. The Panel felt that one service agency should not be in a position to solely deliver both prevention and protection services however; the child and family services within many communities were fragmented thereby making an integrated service response challenging and creating a gap that some societies endeavour to fill.

There appeared to be a lack of clarity regarding the role of child protection, hospitals, community mental health, and secure treatment; and how they intersect when servicing the same young people and families. There was also an apparent lack of service integration at the local community level (e.g. schools, police, recreational programs, cultural programs, and local treatment). An example of service integration could be a cross-disciplinary team that meets to discuss the intersection of services for an individual, family, or community.

While there was a lack of integrated services in some of the communities, many remote First Nations communities had no access to resources and services. The Panel noted that when societies are the only service providers available in a community, families seeking support often come to their attention. The Panel felt that the absence of additional service providers in these communities likely contributes to the overrepresentation of Indigenous young people in the child protection system.

The cost to support young people in the child protection system and in particular, placements in outside paid resources is not recorded in any one consolidated place. The Panel proposed that recording this information would allow for a cost analysis to compare the current model with a wholistic, community-based wrap around service model. This would include the per diem rates for each young person, Special Rate Agreements, and the amount of hours each staff is working.

### *Experiences of Service Systems*

The Panel observed that the young people did not receive quality care from the service systems they interacted with. There were examples of thoughtless and inattentive care from hospitals, schools, child protection workers, caregivers, and staff. The Panel felt that many of the young people were not consistently treated with dignity and respect and did not receive a basic level of care from many of the care providers they interacted with. Young people went months without education, were shuffled through placements without apparent thought to appropriateness, and were not engaged in enriched and meaningful environments.

Young people described their care as having a 'punishment-focus' rather than a 'correction-focus' that emphasizes strengths, solutions, and progress. They felt that services and supports were not personalized to focus on their individual needs and instead, they described being treated the same as any other young person with a similar family history or diagnosis. Young people reflected on having very few opportunities for positive activities to look forward to while they were in care (e.g. music events, sports events, etc.).

Staff from placements suggested that there should be more supports for young people who are transitioning out of care to independent living or adult services. Staff from placements spoke of the need for a phased approach that would require collaboration between the children's sector and the adult sector.



**Young people echoed this sentiment when they reflected on their own transitions out of care. A young person talked about suddenly being in 'semi-independent' living because of their age, but not yet feeling ready for that level of independence. Following discharge from care, young people reported that there were no more casework visits and no follow up. Some of the Indigenous young people described their discharges from care as "being sent home", and noted that they give you a clothing allowance and other things when you're in care, but when you reach 16 "they throw you out."**

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The Panel found that in the 12 young people's cases, there did not appear to be a focus on family preservation in the service systems they interacted with. Families rarely received supports before their child was removed from the home, and the documentation did not suggest that Society workers, staff from placements, and caregivers facilitated or encouraged communication between young people and their families following apprehension. Many of the families described their communication with children's aid societies or Indigenous child wellbeing societies to have been sporadic; explaining that they were not informed of their children's care plans or of their overall wellbeing. Community representatives in four of the young people's communities identified the need for structured and sustainable support for families and communities both before apprehending and when young people return home.

**Young people also described poor communication between children's aid societies or Indigenous child wellbeing societies and their parents/families. They felt that biological parents should get more visits with their children. Young people described that often parents are told that they will get their children back, but then they don't.**

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Indigenous young people from Northern Ontario explained that family service systems do not meet the needs of the families in their communities and suggested that traditional ways would be more effective. One participant noted, "We know that when people are connected to their communities they do better."

The young people articulated that there needs to be a process to help Indigenous young people based on traditional ways and said, “Don’t colonize the process, don’t colonize the solutions.” They also noted that government or any other social service should engage young people when their work impacts their communities. Engagement should start at the development and planning stage and follow through to implementation.

### **Specific Opportunities for Improvement:**

- There should be increased coordination and information sharing between MCCSS, children’s aid societies or Indigenous child wellbeing societies, and placements.
- Systems at the local community level should be integrated, and should include health, mental health and wellbeing, education, recreation, child care, children’s mental health, early intervention services, prevention services, developmental services and other special needs services. This type of integration could involve a cross-disciplinary team with an identified lead.
- Jordan’s Principle should be applied in all circumstances where jurisdictional boundaries cause a delay in service delivery or impact a young person’s care.
- Integrated and community-based wrap around services with a focus on prevention and family preservation should be provided to children and their families.
- There should be resources available to young people as they age out of care.
- Traditional Indigenous approaches should be incorporated into child and family services because they are more effective in meeting the needs of Indigenous families in Ontario.
- When government or social services undertake initiatives with Indigenous communities, Indigenous young people should be involved from the beginning to the end. Once Indigenous young people have been engaged and have provided insight into an initiative, they should be regularly updated on the progress and the status of that initiative.
- Young people should be provided with more positive opportunities (e.g. music events, sporting events, etc.) while they are in care.
- Services and supports to young people should be personalized based on the individual young person’s strengths and needs.

**“When kids get out (of the child protection system), there are suicides and drugs ...It’s not the kids, it’s not the staff; it’s the system that is failing us.”**

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## System Oversight

The following section provides a summary of the Panel's findings with regard to oversight and accountability of the care provided to the 12 young people.

### Key Findings:

- There are young people placed in residences that are not inspected by MCCSS.
- Despite commonly used terms for placement environments (i.e. group home, staff-model foster home, foster care treatment, etc.), there are no clear definitions for the differences between them or the distinct services that they may or may not provide.
- While licensing may monitor compliance with operational standards in the facility, there is no process to monitor the quality of care that is being provided to young people.
- There are no minimum educational standards or pre-service qualifications for staff working in children's residences.
- Training for foster parents and caregivers does not appear to be consistently updated to reflect the current needs of young people in care (e.g. mental health, substance use, developmental challenges, fetal alcohol spectrum disorder, human trafficking, and social media and internet use for young people).
- There are no mechanisms to monitor and track the length of young people's placements or the number of placement transfers they have incurred.
- Case files and documentation were disjointed with gaps in information, unclear service trajectories, discrepancies between agencies, and inconsistent definitions.
- Trends in serious occurrence reports and other documentation have not historically been monitored at the provincial level to identify opportunities for improvement.
- Documentation did not appear to focus on the young person's strengths or provide a sense of who the young person is.

### Summary of Observations:

The Panel found that many residences, both licensed and unlicensed may not have been inspected by the MCCSS. This is because operators were issued a license based on 10 per cent of their homes. Of the young people subject of the expert panel review, two were residing in family homes under a customary care agreement; three were residing in agency operated homes that were not inspected by MCCSS licensors, one was residing in an unlicensed staff-model home, and six were residing in licensed homes, including group homes, residential treatment, and staff model foster homes.

The names used for different types of placements varied considerably and led to substantial confusion. The Panel observed terms such as group home, parent-model foster home, staff-model foster home, agency operated home, and foster care treatment are commonly used in child protection and children's residential services. Both the Panel and Society workers determined these terms to be misleading, because the constellations of the homes may or may not be materially different. For example, 'staff-model foster homes' and 'group homes' both have staff on rotating shifts supporting young people. Society workers, who are responsible for placing young people, explained that because of misleading terms, they do not always have a

full understanding of where they are placing young people, what the differences are between different types of environments, and whether certain types of placements are licensed or unlicensed. For example, if it is a treatment foster home operated by a Society that only has two beds, many workers will assume it is licensed when it is not. Agency operated homes caused particular confusion; workers did not understand licensing requirements, and when the Panel sought clarification from MCCSS as to the licensing of these environments, the response was also unclear— leading the Panel to the observation that agency operated homes exist in a grey space where no one is clear about licensing or accountability requirements. The Panel was not able to ascertain what the licensing process is for children’s aid societies or Indigenous Child Wellbeing Societies, if any.

Where environments were licensed, the implications of licensing reviews and outcomes were not well understood by workers. Society workers explained that when a residence is provided with a ‘provisional license’ from the ministry, they are unaware of what the non-compliance issues were that prohibited the issuance of a full license. They explained that this creates challenges in matching young people based on their individual needs, noting that they would benefit from more transparency in the licensing process. Through a review of licensing documents, the Panel found that with the issuance of a ‘provisional license’, a children’s residence may or may not have remaining issues pertaining to the safety of young people or the quality of their care.

Some of the residential staff expressed concerns regarding MCCSS’ approach to licensing. They explained that the approach to licensing should be collaborative and supportive rather than punitive and compliance-focused. When MCCSS employees visit a children’s residence for a licensing inspection, they are required to interview the young people residing there. Residential staff were concerned about the skill sets of the MCCSS employees that speak with children and youth. It was suggested that they should be required to have trauma-informed and child development training before interviewing young people.

The Panel found that while the current licensing model may promote compliance with operational facility standards, there are no systems in place to monitor and ensure that young people are receiving quality care in an enriched environment. Society workers and staff from placements felt that standards in children’s residences need to be raised and need to be consistent. They took care to note that the standards should allow for the diversity in resources and practices across the province. The Panel felt that quality of-care standards were necessary as well.

The Panel observed that there are no minimum educational qualifications for staff in children’s residences and inconsistent training for foster parents and caregivers to support the current and complex needs of young people (including mental health, substance use, developmental challenges, fetal alcohol spectrum disorder, human trafficking, social media and internet use).

The Panel also observed that there is no process to monitor the length of young people’s placements or the number of placement transfers they have, which could serve as indicators of a young person’s experience and wellbeing.

The Panel noted that every young person in care deserves the same level of review and accountability from oversight bodies. An extended society care review (formerly a Crown ward review) was referenced as an opportunity to monitor quality, however, the Panel observed examples of the reviews failing to identify challenges with young people’s care. Since not all of the 12 young people were in extended society care (i.e. were not Crown wards), the Panel was

not privy to the same level of documentation for each young person that an extended care review can sometimes offer. Additionally, young people in long-term customary care are not subject to these types of reviews, which was seen as a missed opportunity to monitor quality for Indigenous young people specifically.

The Panel also indicated that there is a need for culturally appropriate oversight that is developed by Indigenous communities and takes into consideration structural barriers (e.g. lack of funding and resources, inadequate housing and infrastructure).

As part of the Panel's work, an extensive review of the documentation surrounding the 12 young people was completed. The Panel questioned what the intended purpose of some of this documentation (e.g. serious occurrence reports, incident reports) was and whether it was being used effectively. It was apparent that MCCSS has not historically tracked trends in serious occurrences at the provincial level, which offers the potential to indicate challenges in care and areas for improvement. There is work underway, however, to assess risk based on data in serious occurrence reports.

The Panel observed that documentation was disjointed with gaps in information, unclear service trajectories, inconsistent definitions and discrepancies of information between agencies. The approach to documenting incidents and serious occurrences was often inconsistent and occasionally careless. There were examples of sections that were copied and pasted, sometimes not even pertaining to the subject young person. In other cases, there was a complete lack of documentation, making it difficult to fully appreciate the young person's circumstances or their wellbeing.

Young people spoke of a lack of documentation, which in turn led to a perceived (and potentially actual) inability to report challenges with their care. For foster care operators with multiple residences, the operators often completed the report and the main office was recorded as the address, leaving the reader without any understanding of where the young person was actually residing. Unlicensed residences, including agency operated homes, are not required to submit serious occurrence reports to MCCSS. The Panel also noted that much of the case files and documentation do not give the reader any sense that staff or operators are taking a strengths based approach when working with young people and instead, the young person is often presented as difficult. Young people reiterated this perspective when they explained that serious occurrence reports created an opportunity for negative perceptions of young people to be fostered amongst staff.

The young people suggested that new staff in group homes should not read about serious occurrences until they have spent time with each young person, so that they can form their own opinions, instead of 'reading about us through someone else's eyes.' It was proposed that until new staff members have spent time with young people, they should only be informed of safety concerns. It was also noted that serious occurrence reports are one-sided and that they are written to show that staff did everything they could, sometimes missing context about the young person.

### **Specific Opportunities for Improvement:**

- New staff in children's residences should not read serious occurrence reports until they have spent time with each young person, so that they can form their own opinions of them. New staff should only be provided with information that is necessary to ensure their personal safety, the safety of the young person and others.
- All young people should have an equitable review of their care and should receive equitable accountability from oversight bodies.
- There is a need for culturally appropriate oversight structures that consider structural determinants of care and where applied in Indigenous homes, should be developed by Indigenous communities.
- Measurable standards should be implemented in children's residences so that staff, operators and oversight bodies are able to understand what is expected of them and whether the standards are being met.
- Society workers suggested that the minimum standards in children's residences should be raised, however; they should allow for diversity in resources and practices across the province.
- Society workers suggested that there should be more transparency in licensing so that when placing young people, they have access to the areas of non-compliance in a children's residence's licensing reviews.
- Residential staff suggested that ministry representatives who are responsible for conducting licensing interviews with young people should be trained in child development and trauma-informed approaches.

**“I was traumatized in the system – who is accountable for that?”**

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## *Section 3: Work Underway*

## Current Work Underway

The Panel was tasked with providing expert opinion on the extent to which current and forthcoming plans, activities, legislation, regulations, policies and practices, including the activities outlined in [Safe and Caring Places for Children and Youth: Ontario's Blueprint for Building a New System of Licensed Residential Services](#) and activities underway in the child welfare and children's mental health sectors address any issues or concerns identified here.

To support the Panel's understanding of current and forthcoming work, materials were requested from several organizations such as relevant policies and practices. Presenters with knowledge of the current system challenges and work underway appeared before the Panel to share information, insights and expertise. Presenters to the Panel included:

- Ontario Association of Children's Aid Societies
- Association of Native Child and Family Service Agencies of Ontario
- Ministry of Children, Community and Social Services
- Children's Mental Health Ontario
- Child Welfare Political Action Committee

In addition to these presentations and the supporting materials, the Panel also examined the activities outlined in [Safe and Caring Places for Children and Youth: Ontario's Blueprint for Building a New System of Licensed Residential Services](#) (Blueprint) in detail. While the Blueprint identifies some initiatives that are either complimentary or directly address the Panel's recommendations, the Blueprint's planned initiatives are being implemented in phases. Many initiatives are not expected to be in place until 2019-2020, and some not until 2025, which the Panel asserts is unacceptable. It is the Panel's overwhelming sense that the young people in Ontario's care are in precarious, unsafe situations now – they cannot wait another seven years for meaningful action.

Any work that is ongoing or planned for the near future was mapped against the Panel's recommendations and areas of concern. The Panel felt that the ongoing and planned work failed to adequately reflect a plan to address the major systemic issues identified during the course of their review and the recommendations being proposed.

The identified issues and the Panel's recommendations are not new; they have been asserted, endorsed and recommended by governments, service organizations, advocacy organizations, panels, commissions and bodies many times over the last 25 years and reflect best practices. Still, they have not resulted in sufficiently addressing identified challenges. Specific examples of recommendations made in the same areas can be found in:

- Because Young People Matter – Report of the Residential Services Review Panel (2016)
- Searching for Home: Reimagining Residential Care (2016)
- Doing it Right Together for Black Youth (2018)
- The Office of the Chief Coroner's Death Review of the Youth Suicides at the Pikangikum First Nation (2006-2008) (2011)
- Truth and Reconciliation: Calls to Action (2015)
- The Office of the Chief Coroner Inquest – First Nations Youth (2016)
- Report of the Royal Commission on Aboriginal Peoples (1996)



The Panel asks that those in positions of power and influence who are responsible for the functioning of the systems be accountable for fixing them; that they take the lessons learned from the deaths of these young people and utilize them to ensure timely, meaningful change.



## *Section 4: Recommendations*

## Principles

The Panel identified ten principles that underpin their recommendations:

1. All young people must be involved and at the centre of their care, and given the ability to influence their care based on their knowledge of themselves and their situations. Their voices must be heard, believed and prioritized.
2. All young people must have the opportunity to learn about, understand and experience their history, culture and its customs and teachings.
3. The care of and service provision to young people, families and communities must be wholistic, prevention-focused and driven by their needs. It must ensure that the physical, mental, emotional and spiritual needs of young people are met.
4. Indigenous communities must be enabled, supported and funded to bring forward their needs and to further develop their methods of addressing their needs.
5. Indigenous communities must be enabled, supported and funded to self-govern in a nation-to-nation relationship with Ontario.
6. Caring is an action. Care must be provided with a continued sense of purpose and a focus on the young person's future.
7. Caring is a shared responsibility that crosses organizational, sectoral, geographic and jurisdictional boundaries. Barriers between systems must be eliminated or be made unnoticeable to clients.
8. Children must be kept at home wherever possible – and when it is not possible, they must be in stable, nurturing placements for as long as required with as few moves and transitions as possible.
9. Services must be provided to young people and their families where they are, wherever possible. Where it is not possible, distances should be minimized.
10. All young people must be in school or participating in equivalent learning

## Recommendations

The Panel developed five recommendations they believe would make a fundamental difference to Ontario's young people and the overall burden on Ontario's social service system – now and over the longer-term.

### To the Government of Canada and the Government of Ontario:

1. Immediately provide equitable, culturally and spiritually safe and relevant services to Indigenous young people, families and communities in Ontario.

Specifically:

- a. Address structural barriers to wellbeing and ensure that every Ontarian, including those living on-reserve, has access to food, clean water, housing and education.
- b. Enhance service availability in Indigenous communities; specifically, the availability of safe placements for young people on-reserve, in environments identified by the communities.
- c. Provide equitable resources to design, develop and deliver culturally safe family care, a range of prevention and ongoing support services and to build local capacity for early response to needs.
- d. Enable Indigenous Child Wellbeing Societies to develop their own models of care while maintaining current models, and allow for transition period and supports while implementing Indigenous preferred models of care.
- e. Provide funding and programming to support family healing from intergenerational trauma in Indigenous communities.

### Comments from the Panel:

Eight of the young people reviewed were Indigenous. All eight were from reserves in Northern Ontario; many of those reserves are remote. Those whose families of origin were located on-reserve were notably more disadvantaged amongst the group of young people reviewed by the Panel.

In several of the cases reviewed and in feedback received from young people with lived experience, it was clear that there are stark and startling inequities and structural barriers that limited these young people's potential. In some cases, access to food, clean drinking water, and/or adequate housing were unavailable. Likewise, access to education, recreation and healthcare was either limited or unavailable. The Panel asserts that where basic needs are unmet, the capacity of families and communities to adequately support and care for each other is severely compromised.

This capacity is further impacted by historical and current colonialism and intergenerational trauma that remains inadequately addressed in many Indigenous communities including the home communities of the young people reviewed by the Panel.

It is the assertion of the Panel that until such time as these inequities are resolved and Indigenous communities are supported and enabled to heal and implement their preferred models of care, their young people will continue to be at disproportionate risk of severe and ongoing disadvantage, harm and of admission to care.

### **To the Ministries of Children, Community and Social Services, Education, Health and Long-Term Care, and Indigenous Affairs:**

2. Identify and provide a set of core services and support an integrated system of care for young people and their families across a wholistic continuum, to every child in Ontario. Services must include health, mental health and wellbeing, education, recreation, child care, children's mental health, early intervention services, prevention services and developmental services. Service provision should be geared to the needs, and intensity of needs, of each young person and family.

Specifically:

- a. Undertake community needs assessments to identify service gaps and opportunities for service realignment against the identified set of core services.
- b. Address systemic pressures, inequities and gaps in the availability of mental health treatment beds for young people.
- c. Define and make public standards pertaining to the geographic availability of each core service.

### **Comments from the Panel:**

The Panel observed that none of the twelve young people, their families or communities received coordinated and integrated care from the outset of their involvement with the systems designed to protect, safeguard and help them – including child protection, children's mental health, developmental services and other service organizations. In all of the histories it was clear that service providers were not communicating with each other or taking a collective view of the young person's needs, resulting in gaps in care. Education did not appear to have been a priority focus and there was frequently a lack of detail regarding the educational experiences of young people. This made it difficult to determine the degree to which they had access to education or educational models that could meet their needs. The provision of mental health care was particularly infrequent, and in some cases, nonexistent in the face of obvious and identified needs.

Many of the young people reviewed by the Panel interacted with multiple systems of care. The services they received were fragmented and more often than not, service provision was driven by the structures and systems in place, rather than the needs of the young people, their families and communities. For example, in many cases child protection services facilitated the pathway to children's mental health services or counselling, because they were the most adequately equipped service provider in a geographic area. In other cases, there was an absence of structures in place that limited service availability so severely that young people, their families and communities did not receive, and often were not offered, the services that were necessary. This experience was most pronounced in Indigenous communities in the Far

North, but was not exclusive to those populations. The Panel observed similar limitations and barriers in Southern Ontario and non-Indigenous contexts as well.

There appeared to be minimal capacity across Ontario to respond to these 12 young people's multiple complex needs including, but not limited to their mental health needs. It is clear that some young people in Ontario require specialized mental health treatment placements. The availability of mental health treatment beds is declining in Ontario and is inconsistent across the province. Ontario should plan for and meet anticipated needs for these types of services to ensure that young people do not fall through the cracks and are not placed in inappropriate environments as a result of the lack of specialized treatment placement options.

Many of the young people reviewed did not have access to important services within a reasonable geographic distance, which resulted in frequent moves, or lack of access. While the Panel recognizes that not all core services can be provided in each community in Ontario, standards should be in place regarding maximum distances for core services. For example, schools should be available in each community in Ontario, including each First Nation.

3. Develop a wholistic approach to the identification of, service planning for and service provision to high-risk young people (with or without child welfare involvement) that supports continuity of care to age 21.

Specifically:

- a. Develop and implement wholistic, standardized screening of all young people that come into contact with child protection societies at the point of first and each subsequent involvement, to identify those who are high risk.
- b. Undertake a comprehensive assessment of the needs of the identified high-risk young person at the earliest opportunity.
- c. Provide a Navigator for each young person identified as high risk, to act as a stable relationship in the young person's life, a natural advocate, the lead amongst service providers and the person responsible for planning to enable continuity of care.
- d. Establish local transdisciplinary teams responsible for service planning for young people identified as high-risk youth, regardless of ongoing child protection involvement. Include the Navigator and Indigenous Elder(s) as part of the team.
- e. Enable information sharing amongst service providers based on mutual service provision, regardless of the presence or absence of client consent.

### **Comments from the Panel:**

Many of the young people reviewed were undoubtedly at high risk, but did not appear to have been assessed as such. While risks to safety and harm were assessed frequently during child protection intervention using the child protection required tools, the tools were not intended to, and therefore did not, identify the constellation of factors involved in their personal circumstances as high risk; child protection interventions did not appear to consistently do so either. Many of these young people were at high risk for reasons that were not directly associated with the reasons for child protection intervention (e.g. their cognitive ability, presence of multiple complex needs, minimal supports) and may not have been best serviced

by child protection intervention – though in some cases, no other providers were actively engaged. The long-term risks to the young people’s wellbeing, and the predictable outcomes if services to address them were not provided, do not appear to have been considered in many cases.

The Panel is recommending the development and implementation of a standardized and consistent screening tool to better identify young people at high risk who may be vulnerable and/or require more intensive service provision. Many screening tools exist that could be adopted or modified for this purpose within a short time frame. In addition, options for the administration of the tools should be explored; many tools could be administered by trained people in the community, and would not have to be administered by Society employees or others with professional skill sets – an option that could reduce the overall cost and administrative burden of implementation.

Once identified, understanding the needs of young people is vital to providing services that are responsive to their needs. In the majority of the histories reviewed, there were significant and serious gaps in knowledge and understanding of their needs. In some cases, assessments were never completed or completed but not followed through.

Comprehensive assessment of young people will help ensure an ability to identify what their needs are and which service providers should be involved. The Panel felt strongly that being high risk does not automatically infer that placement is required, though this was seen to be the case in many of the histories reviewed. This model is intended to support early identification and intervention, thereby preventing risk of harm and avoiding placement outside of homes of origin whenever possible. This could take the form of ongoing, in-home family support intervention.

The establishment of a transdisciplinary team in a circle of care model will support a collective understanding of what is available, possible and feasible for the young person. It will also provide clear delineation of responsibilities based on a philosophy of shared responsibility and knowledge. Teams should support planning for young people and their families as well as service provision, and should hold each other accountable. They should be customized based on what is available in each community, but should include all core service providers (see Recommendation #2) and all other relevant service providers (e.g. educators, Elders, teachers, mental health and addictions service providers, youth justice, social work, psychology, psychiatry, etc.). Elders should be included in each community to inform service planning and provision to Indigenous young people. Participation should be mandatory and information sharing amongst team members should be enabled. Input from the young person and their caregivers should be incorporated into service planning.

The Panel found that young people did not have advocates as a result of multiple placements and their distance from their home communities and natural support systems. Consequently, the Panel recommends that where a young person identified as high risk, requires multiple services and supports and/or is experiencing frequent placements a “Navigator” should be assigned to support them until age 21. The Navigator becomes the person responsible for leading and facilitating a wholistic approach to planning and service provision. The Navigator would provide a stable relationship and would act as the point of contact as well as an advocate for the young person. They should be responsible for guiding care planning, delivery and enabling continuity of care. In order to adequately fulfil this role, Navigators should have

facilitation and case coordination skills as well as experience working with young people and families.

4. Strengthen accountability and opportunities for continuous improvement of the systems of care through measurement, evaluation and public reporting.

Specifically:

- a. Collect, link and integrate data across all children's services (whole of government approach) to facilitate accountability and enable evidence-informed treatment models to be put in place.
- b. Identify indicators and outcome measures to enable assessment of youth experience, measure and publicly report on them.
- c. Institute mandatory public reporting on placement availability and placement achievement of quality standards.
- d. Streamline documentation completed by children's aid societies and Indigenous Child Wellbeing Societies so that necessary information is recorded accurately and in a timely fashion.
- e. Fund evaluation of service delivery explicitly.

To improve the system, we must first be able to understand its' complexities.

Over the course of the Panel's work, several different pieces of data were requested from the former Ministry of Children and Youth Services (now MCCSS). Detailed review revealed that there were several challenges pertaining to data collection. Data is not collected in several areas that the Panel considers key – for example, no data is collected in a standardized way on number of placement moves or the cost of a day of care in a particular type of placement setting. It did not appear that the data collected would enable the ministry to have a sound understanding of service availability, provision or total cost in order to exercise good governance and fiscal oversight.

Furthermore, the data that is available is not linked to data from other ministries; so, for example, it is not possible to electronically determine the placement dates of stay for a child that moves between a residential placement and hospital (either inpatient, or more frequently, emergency department visits) or to align it with a child in care's educational history based on Ministry of Education's electronic records. The absence of this information, both at the individual and aggregate levels, results in serious gaps in the ability to assess outcomes, service experience, service availability, provision and total cost.

While service availability and provision are important from an accountability perspective, so too is performance. The Panel found no evidence in the material reviewed that service availability, provision or performance are well understood from a systemic perspective. Consequently, the Panel is recommending that data be collected, linked and integrated across all services to facilitate accountability and enable evidence-informed treatment models to be put in place. Furthermore, the Panel is recommending that service agencies be funded to conduct program evaluations, separate from their core funding, to help assess efficacy and inform continuous improvement.



At the core of service provision to young people is a desire to improve their wellbeing. The current system does not provide a great deal of information on how young people in the province's care are doing. Children's Aid Societies and Indigenous Child Wellbeing Societies are required to publicly report five performance indicators reflecting the safety, permanency and well-being of children and youth. Only one indicator pertains to wellbeing; the quality of the caregiver-youth relationship for children in care (the others pertain to safety and permanence). There are several limitations on the use of this indicator and the population that is measured is quite small relative to the number of children and youth that have child welfare involvement. The Panel suggests that additional indicators and outcome measures to assess youth experience are required.

In addition to how young people experience their care, it is also important to measure the quality of the care. The Panel recommends that the ministry institute mandatory public reporting on placement achievement against defined quality standards (see recommendation #5).

Independent of quantitative data that is collected, qualitative data is also routinely collected through mandatory documentation completed by Children's Aid Societies and Indigenous Child Wellbeing Societies. This documentation is meant to inform service planning and provision, as well as reporting to the ministry when serious incidents occur. In the comprehensive review of the files associated with the 12 young people, it became clear that in many instances, the documentation was completed for the sake of completion, rather than for its intended purpose. This conclusion was based on the sheer volume of repetitive entries that were seemingly cut and pasted and the presence of information that did not relate to the subject youth in a number of instances. Another issue was that the reports were often filed later than the required timeframes. The Panel recommends that the Ministry conduct a review of the documentation that is completed, and streamline it where possible so that necessary information relevant to the subject young person may be recorded in a timely fashion.

### **To the Ministry of Children, Community and Social Services:**

5. Immediately enhance the quality and availability of placements for young people in care.

And specifically:

- a. Establish quality of care standards for all placement environments, identify clear mechanisms to achieve the standards, and measure and monitor to ensure implementation and ongoing maintenance. Standards should also apply to any auxiliary programs or services offered by the placement.
- b. Undertake a government-led planning process to plan for and implement placement availability across Ontario, based on identified need, and establish clear and transparent placement access mechanisms.
- c. Issue a Directive to Children's Aid Societies and Indigenous Child Wellbeing Societies that directs societies to place young people:
  - a. In licensed care environments only;
  - b. In the highest quality placement available;
  - c. In environments that are able to meet the identified needs of young people;

- d. With a view to stable, nurturing placements for as long as required that ensure as few moves and transitions as possible; and
  - e. As close to their home communities as possible, where this does not present a safety risk.
- d. Expedite the development of a human resource strategy for the residential placement sector to address recruitment, retention and skills of caregivers. The strategy should include:
- Pre-service educational qualifications/standards for staff of placement environments
  - Mandatory pre-placement training to foster and customary caregivers including, information on support to young people with mental health challenges, fetal alcohol spectrum disorder, developmental challenges, substance use, the impact of social media and the internet on young people, and human trafficking.
  - A northern recruitment and retention strategy across all children's services to support the development of a local, skilled workforce based on a needs assessment.

The majority of the Panel's recommendations focus on supports that optimize the potential for young people to stay at home with their families. The Panel recognizes that when safe care cannot be provided in the home, out-of-home placements are a necessity. The Panel felt strongly that safe, high quality placements that are as close to home as possible should be available for the young people who need them.

The Panel's review found that placements appeared to be selected based on availability rather than on suitability. Placement availability and access mechanisms were not well understood, their quality varied considerably, their licensing status was variable, difficult to understand and inconsistent across the Province, and those responsible for caring for children were under-skilled for the task.

The Panel does not believe that the current licensing system provides insight, monitoring, accountability for quality of care in placement environments, and notes that quality of care standards are distinct from licensing standards.

Many placements offer auxiliary programs and services in addition to being a place of residence. These sometimes include section 23 education classrooms, mental health services or other programs. Quality of care standards should also be in place, measured and monitored for these programs and services, where they are provided.

It was also clear that the current system does not direct the availability of and access to placements based on predictable need close to young people's home communities. The Panel suggests a government-led process to identify need, plan for and implement availability of licensed placements to better facilitate equitable access in a cost-efficient manner.

The Panel noted that a workforce development strategy is going to be under development by the ministry, with implementation planned for 2025. The Panel asserts that having skilled workers taking care of young people in licensed placements should be a key priority, and that work towards achieving these improvements must begin immediately in order to mitigate risk to the young people in Ontario's care.

**“A lot of these recommendations seem like basic human rights.”**

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## *Youth Responses to Recommendations*

Three groups of young people with lived experience were brought together in Kenora, Thunder Bay and Toronto to provide insight in support of the Panel's work. Following the Panel's meetings, the groups were brought back together. Staff of the OCC shared the Panel's recommendations with them, and asked how the recommendations could impact youth experience and, if implemented, they would make things better.

Overwhelmingly, the young people were supportive of the recommendations. They felt that if implemented, the actions suggested by the Panel would have a positive impact on the wellbeing of young people in their communities.

Some of the things the young people highlighted in relation to the recommendations were:

Equal opportunities for culturally and spiritually safe, and relevant services to Indigenous young people, their families and communities.

Indigenous young people asserted that it is important that their basic needs are met. They noted that the United Nations Declaration on the Rights of Indigenous Peoples should be honored and implemented in Ontario, and these rights should be taught to Indigenous young people early in life.

They commented on the need for mental health services on-reserve to be available 24/7, and for service providers to be consistent; explaining that calling in help takes days and often times, people cannot wait that long. They also explained that communities need more education on suicide prevention.

Young people explained that services should be available in the Indigenous languages spoken by the people they serve. Service providers should be committed to long-term service provision in communities and should be culturally informed, qualified, and prepared for what living on-reserve is like. They spoke of the importance of service providers working in their communities for the 'right reasons,' not just to make money.

They explained that standards for Indigenous homes should be different. Extended families are important in Indigenous communities, and they could care for young people when their parents are unable to.

They asserted that non-Indigenous and Indigenous people should work together and suggested that non-Indigenous government employees should visit reserves, before making policies and programs that affect people living there.

They emphasized the need to apply Jordan's Principle, and explained that young people should be given opportunities to understand it.

### **Core services and an integrated system of care:**

Young people highlighted the need to be connected to services before they transition out of care and suggested that an aftercare program would be helpful.

Substance use treatment services, counselling and traditional healings services for Indigenous young people were identified as particularly necessary.

Young people suggested that access to education should include access to opportunities outside of mainstream education as well.

Young people explained that mental health diagnoses should be a priority, however; young people should not be shuffled through multiple doctors because this can result in a 'sea of diagnoses,' negative labels attached to them and being heavily medicated.

### **Identification of, service planning for and service provision to high-risk young people:**

Young people indicated that some young people are high risk because of their parents so it is important to heal both the parents and the children.

Many young people were in agreement that service providers should be able to share information about the services being provided to high risk young people. However, some had concerns about sharing confidential information provided in a counselling context amongst service providers, noting that trust is a significant issue and sharing without consent can compromise that. Young people warned that service providers would need to take care not to disclose information that young people share in confidence, unless it is for necessary for safety reasons.

Young people shared their feedback on the role of a Navigator for high risk young people. Most felt that the Navigator would be a useful resource and liked the idea of having someone "in their corner." Others asserted that if there is a Navigator, they must be 'fighting for the young person and no one else' instead of working on behalf of the foster parent, staff, or other service providers. Some young people felt that this is the role of the Society worker and worried that if there was another type of job, there would be even fewer workers available to do Society work. They felt that whether there is a Navigator or not, there needs to be work to improve Society worker turnover so that young people are able to establish relationships and build trust.

There was a suggestion that the Navigator role should also monitor medication changes in young people because they can occur frequently and are often overlooked or are not well monitored.

There was also a suggestion that there could be a partnership with the organization Big Brothers, Big Sisters in order to identify Navigators.

## **Strengthened accountability and opportunities for continuous improvement:**

Young people with lived experience from all over Ontario need more opportunities to provide input and there should be more youth outreach. In particular, young people in foster homes should be asked how they are doing and their voices should be heard.

Some young people felt that evaluations of service delivery would not mean anything because they felt it was unlikely anything would change as a result.

Some young people were very supportive of licensors doing unannounced visits to children's residences; work to implement this type of oversight is currently underway by the MCCSS.

## **Enhanced quality and availability of placements:**

Young people felt that the child tax benefit should stay with the child, instead of it being provided to Societies. They saw this as a violation of their rights.

Young people asserted that placements outside of home communities don't allow young people to maintain connections with their families and should be avoided. They suggested that there should be a deeper understanding of a young person's needs when they come into care so that placements can be matched accordingly and are based on need rather than availability. They highlighted that there should be a focus on the differing needs of young people in placements. For example, if one young person has higher needs than others, the staff or caregiver's attention can be occupied by supporting them at the expense of the needs of others in the residence.

If transferring placements (and it is not an emergency), the transition should be slow and thoughtful with visits to the new placement in advance. They noted that multiple placements can be 'damaging' to a young person's wellbeing, and that anything to make placements stable and long-term will be helpful.

There should be more effort in residential placements to understand the roots of a young person's behaviours instead of immediately responding with a restraint or a type of punishment. Further, there is a need to monitor the frequency of restraints used in children's residences and the effectiveness of restraints as an intervention.

Licensing all homes was viewed by all of the young people spoken to as important. In some communities, there are not enough foster homes available. If the solution is to have more group homes, all group homes should provide high quality care.

Training for caregivers was strongly supported. In particular, some young people felt that caregivers should have training to understand what considerations are needed to support LGBTQI2S young people.

**"It shouldn't take 12 deaths for somebody to care.  
It's been a broken system for years."**

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### **Key Informants:**

The 13 young people with lived experience  
The families of nine of the 12 young people that were the subject of review  
Chief and Council from four communities  
Five staff from Children's Aid and Indigenous Child Wellbeing Societies  
Five staff from placement settings

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## Appendix 1: Acronyms, Short Forms & Definitions

**Agency Operated Home (AOH):** A home operated by a Children's Aid Society or Indigenous Child Wellbeing Society. May be licensed or unlicensed.

**Child, Youth and Family Services Act (CYFSA; the Act):** The Child, Youth and Family Services Act governs many of the province's programs and services for young people, including child welfare, youth justice services, secure treatment, children's developmental services, residential services, community support services, Indigenous child and family services and adoption within Ontario.

**Child Protection Services:** Under the Child, Youth and Family Services Act, the functions of children's aid societies and Indigenous Child Wellbeing Societies are as follows: investigate allegations or evidence that children are in need of protection, to protect children, to provide guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children, to provide care for children assigned to its care, to supervise children assigned to its supervision, and to place children for adoption.

**Customary Care Agreement:** An Indigenous model of child protection services where a child is residing with someone who is not a biological parent. Customary care agreements are voluntary and involve signatures and consent from parents, Band/council members in the child's community, and the serving Society. The model of customary care varies depending on the young person's band, First Nation, Métis, or Inuit community.

**Gladue:** In Canadian sentencing laws, Gladue refers to the requirement that a judge pay particular attention to the circumstances of Indigenous offenders and to consider reasonable alternatives to imprisonment.

**Jordan's Principle:** Jordan's Principle is a child-first principle that aims to resolve jurisdictional disputes regarding payment for services between provincial/territorial and federal governments in a timely manner, so that services to First Nations young people are not delayed or interrupted.

**LGBTQI2S:** Lesbian, Gay, Bisexual, Transgender, Questioning/Queer, Intersex, Two-Spirited.

**Outside Paid Resource (OPR):** A for-profit organization operating group and/or foster homes. Homes may be licensed or unlicensed.

**Per diems:** The rate per day that an operator can charge the placing Society for a child occupying a bed in a children's residence.

**Society:** Children's aid society or Indigenous Child Wellbeing Society designated under the Child, Youth and Family Services Act.

**Special Rate Agreement (SRA):** Funding provided to an operator that is above the per diem rate. Special rate agreements cover the costs of caring for a young person who requires extra supports to meet their needs.



**Temporary Care Agreement:** When a parent is temporarily unable to care for their child, this is an option for the serving Society and parent to enter an agreement for the Society to provide temporary care and custody to the child

**Transfer Payment Agency (TPA):** an agency that receives a direct transfer payment from the Ministry of Children, Community and Social Services and has a contractual agreement to provide group care or foster care to young people.

**Young Person in Extended Society Care / Crown Ward:** A child who has been placed in the permanent care of a Children's Aid Society or Indigenous Child Wellbeing Society.

**1:1 Supervision:** The ratio of staff working with a young person. Generally, a 1:1 supervision model is implemented when a young person is determined to be at risk of harming themselves or others.

## **Appendix 2: Expert Panel Biographies**

### **Sherry Copenace - Niizhoosake, Saagimaakwe (Anishinaabe/Spirit Names), Atikododem (Elk Clan), Midewin**

Ms. Copenace was born and raised on the community of Ojibways of Onigaming. Ms. Copenace is firm in her ways of knowing and being Anishinaabe. Ms. Copenace speaks her original Language - Ojibway and has a great love for the Land, Waters and Peoples. Since 2011, Ms. Copenace has organized Makoossekawin- Anishinaabe young women coming of age teachings and ceremonies. She is part of a Grandmothers Circle with Nanadawegamig (FMHSSM). Ms. Copenace has over 25 years' experience in Indigenous social services and has her MSW degree. She is currently employed at the University of Manitoba in the MSW-IK program.

### **Helen Cromarty**

Ms. Cromarty is an Elder from Sachigo Lake First Nation. Ms. Cromarty began her education as a residential school student and attained her HBScN degree from Lakehead University. During her 45-year career as a nurse, she worked ICU-CCU for 23 years. Following this, Ms. Cromarty was a Health Policy Analyst/Health Liaison at Nishnawbe Aski Nation (NAN) and Special Advisor for First Nation Health at Sioux Lookout Meno Ya Win Health Centre (SLMHC). Ms. Cromarty was in many leadership roles in the development and implementation of health care programs and services delivered throughout NAN and Ontario. Ms. Cromarty has been recognized for her work in First Nations Health by the Aboriginal Nurses Association of Canada, Nishnawbe Aski Nation, and the Chiefs of Ontario. Ms. Cromarty received an Honorary Doctor of Science from Lakehead University in 2016. Ms. Cromarty is a residential school survivor, friend, sister, aunt, mother, and Kookom (grandmother). Her husband, Dennis Franklin Cromarty, passed away February 3, 1993. She is proud of their five children and a very proud Kookom of three beautiful girls.

### **Aryeh Gitterman, Ed.D.**

Dr. Gitterman is currently a Distinguished Visiting Scholar in the School of Child and Youth Care, Faculty of Community Services at Ryerson University.

From 2007 to 2016 Dr. Gitterman was an Assistant Deputy Minister (ADM) in the Ontario Ministry of Children and Youth Services (MCYS). While at MCYS Dr. Gitterman was responsible for policies and programs for: autism, community-based mental health, child protection, special needs, residential services, and the poverty reduction strategy.

Prior to joining MCYS, Dr. Gitterman was ADM of the Instruction and Leadership Development Division, and the Business and Finance Division in the Ministry of Education. While at Education he was responsible for policies and programs for: secondary schools, teacher quality, leadership development and safe schools.

Dr. Gitterman has presented at numerous meetings and conferences regarding education and children's policies. Some examples: OECD, IMFAR (International Meeting for Autism Research), Asian Development Bank, American Educational Research Association, SickKids, World Bank, CAMH, Children's Mental Health Ontario.

Dr. Gitterman began his career at the Scarborough Board of Education teaching high school Mathematics and English. He then worked at the Halton Board of Education, as a guidance counsellor, Head of Guidance and Special Education in a Grade 7-13 school, and as a Curriculum Coordinator for the school board.

Dr. Gitterman was born in Winnipeg where he received his B.Sc. at the University of Manitoba. He moved to Toronto where he completed his B.Ed., M.Ed. and his Doctor of Education in Counselling Psychology at the University of Toronto.

## **Joanne Lowe**

Ms. Lowe is currently the Executive Director with the Youth Services Bureau of Ottawa (YSB). YSB is one of the largest youth serving organizations in Ontario impacting the lives of 12,000 youth, their families and caregivers each year. More than 350 staff at YSB serve clients through four service areas that include youth justice, mental health, health, housing and employment services across 22 sites in Ottawa.

Ms. Lowe joined YSB six years ago following nine years with the Children's Hospital of Eastern Ontario where she was the Manager, Community Division for the then Specialized Psychiatric and Mental Health Services (SPMHS) – now known as "Young Minds" which is a partnership between CHEO and The Royal created following recommendations from the Health Services Restructuring Commission. Previously, she was the Executive Director of the Canadian Mental Health Association, Ottawa Branch from 1994 to 2003. Previous to CMHA, Joanne was the Executive Director with Regeneration House, a supportive housing agency in central Toronto.

Ms. Lowe has participated and provided leadership in several local, provincial and national networks, coalitions, committees and working groups that include co-chairing the Cross-Sectoral Committee in mental health and education, United Way Partner Agencies Network, CMHA Executive Directors Network and the founding Co-Chair of the Alliance to End Homelessness.

More recently, Ms. Lowe has and continues to be involved in the Provincial Framework Advisory Committee for Child and Youth Mental Health; the Provincial Partnership Table for Moving on Mental Health and the Provincial Youth Addiction Advisory Committee. As one of first of 33 appointed Lead Agencies for Child and Youth Mental Health, Ms. Lowe has provided leadership in the development of the Lead Agency Consortium as its inaugural Co-Chair.

Ms. Lowe has been the Co-Chair the Ottawa Suicide Prevention Network for the past six years with more than 50 members working collaboratively to prevent youth suicide.

## **Nathan Scharf, MD FRCP(C)**

Dr. Scharf was born in Montreal in 1958 and has resided in Toronto since 1984. He attended McGill Medical School, graduating in 1982. After several years of Residency in Internal Medicine, he switched to Psychiatry, where he developed a particular interest in psychiatric service delivery systems after travelling several times to Baffin Island with the Centre for Addiction and Mental Health Psychiatric Consultation Group. Dr. Scharf chose to pursue subspecialty in child psychiatry in part because of an interest in the complexity of service and support systems inherent in the subspecialty, where parents, caregivers and children together and separately navigate systems involving physical and mental health education, child welfare and protection and youth justice. This interest has been pursued through involvement in transdisciplinary consultative teams and in the development of various consultative and treatment programs at the Youthdale Treatment Centre in Toronto. In the last several years, he has been involved in the development of inpatient and outpatient psychiatric services at Youthdale for Transitional Age Youth. He is currently writing a book for parents, caregivers and service providers on issues relevant to psychiatric service provision with high risk youth.

In regard to psychiatric patient care, Dr. Scharf's specialty area of work is with "high risk" youth in inpatient, outpatient and residential settings and in outpatient consultation with children with neurodevelopmental disorders, complex psychopharmacologic concerns or with youth justice involvement.

## **Stella Schimmens**

Ms. Schimmens is a council member of the Moose Cree First Nation. In that role, Ms. Schimmens is able to advocate while sitting on various portfolios, including Health, Education and Resource Development. Early in her career, Ms. Schimmens worked at the local Children's Aid Society.

Later, while working at Medical Services, Health Canada, Ms. Schimmens advocated for patients and their families to ensure that they received optimum medical benefits in terms of transportation, medical supplies and the referral process. Medical Services transferred Health Care Delivery to Weeneebayko Regional Health Authority (WAHA), where Ms. Schimmens continued with patient advocacy and worked to develop the WAHA/Traditional Healing program using traditional practices, restoring historical knowledge and beliefs.

More recently, Ms. Schimmens was part of a team of culture support workers that accompanied the Truth and Reconciliation Commission (TRC) across Canada and provided supports at TRC events.

One of the highlights of Ms. Schimmens career was travelling with Centre for Addiction and Mental Health to Peru, where she had the opportunity to meet with a group of international Elders and witness the work they do combining modern and traditional methods for addictions.

Ms. Schimmens is a proud mother of four, a very proud Gookum (grandmother) of 11 and a Jaban (great-grandmother) of one.

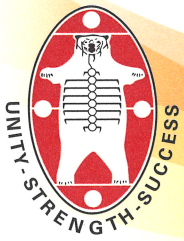
**Kim Snow, PhD.**

Dr. Snow began her career in residential services in the children's mental health sector, and while there earned her Child Care Worker Diploma. Dr. Snow then practiced in an intensive psychiatric day hospital working on outpatient assessment teams. In 1990, Dr. Snow established a private practice providing assessment and treatment for children and families with complex mental health needs. For a period time she served as a Child Advocate at the Office of Child and Family Services Advocacy. Most recently, Dr. Snow has been working as an Associate Professor in the School of Child and Youth Care at Ryerson University. She has a focus on safeguards for children and youth in care and the meaningful participation of young people in their care. She leads The Voyager Project, a social innovation strategy to redress educational disruption and disadvantage faced by children in care. Dr. Snow also engages in Participatory Action Research with remote First Nations communities and youth groups. She has published extensively in the areas of child and youth care and youth in care.

This is Exhibit "C" referred to in the Affidavit  
of Bobby Narcisse affirmed before me on  
this 3<sup>rd</sup> day of December, 2019,  
in the City of Ottawa, in the Province of Ontario.



\_\_\_\_\_  
A Commissioner for taking affidavits, etc.  
Mary (Molly) M.D. Churchill  
L.S.O. # 72510P



# Nishnawbe Aski Nation

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## **RESOLUTION 17/66: IMMEDIATE RELIEF FUNDING 2017-2018**

**WHEREAS** the Chiefs Committee on Children, Youth and Families (CCCYF) has been mandated to oversee matters related to children, youth, and families;

**WHEREAS** Indigenous and Northern Affairs Canada (INAC) has announced \$9.1 million for immediate relief prevention funding for First Nations;

**WHEREAS** CCCYF has learned that the Chiefs of Ontario (COO) Social Services Coordinating Unit (SSCU) has been discussing funding models for the immediate relief funding for Nishnawbe Aski Nation (NAN) First Nations;

**WHEREAS** CCCYF has been active in the Canadian Human Rights Tribunal process, including the Remoteness Quotient table/research, whose aim is to ensure equitable funding for NAN child welfare agencies;

**WHEREAS** the Remoteness Quotient table/research will have an impact on the immediate relief funding and will help to ensure that NAN First Nations receive equitable and adequate immediate relief funding;


**THEREFORE BE IT RESOLVED** that NAN Chiefs-in-Assembly direct the COO SSCU to respect the internal processes of NAN communities and the Remoteness Quotient table/research;

**FURTHER BE IT RESOLVED** that any recommendations made by the COO SSCU with regard to immediate relief funding will not be applicable unless ratified by NAN Chiefs through the CCCYF, recognizing and accommodating specific community processes;

**FINALLY BE IT RESOLVED** that INAC is directed to provide additional funds to NAN First Nations over and above the \$9.1 million, based on the findings of the Remoteness Quotient table/research, subject to Chiefs reviewing and accepting the Report.

**DATED AT LAC SEUL FIRST NATION THIS 10<sup>TH</sup> DAY OF AUGUST 2017.**

**MOVED BY:** Chief Kevin Tangie, Brunswick House First Nation  
**SECONDED BY:** Chief Lorraine Crane, Slate Falls First Nation  
**DECISION:** CARRIED

  
\_\_\_\_\_  
Grand Chief Alvin Fiddler

  
\_\_\_\_\_  
Deputy Grand Chief

This is Exhibit "D" referred to in the Affidavit  
of Bobby Narcisse affirmed before me on  
this 3<sup>rd</sup> day of December, 2019,  
in the City of Ottawa, in the Province of Ontario.



A Commissioner for taking affidavits, etc.  
Mary (Molly) M.D. Churchill  
L.S.O. # 72510P





# Nishnawbe Aski Nation

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## **RESOLUTION 17/87: ONTARIO SPECIAL STUDY AND FUTURE IMMEDIATE RELIEF PREVENTION FUNDING – CHILD WELFARE**

**WHEREAS** the Canadian Human Rights Tribunal (the Tribunal) found, in *First Nations Child and Family Caring Society et al. v. Attorney General of Canada* (2016 CHRT 2), that the Government of Canada discriminates against Indigenous children by providing inadequate child and family services to Indigenous children on-reserve;

**WHEREAS** Chiefs of Ontario (COO) and the Government of Canada have reached an agreement that the Child Welfare and Family Well-Being Technical Table (which includes COO and independent Ontario First Nations, the Department of Indigenous and Northern Affairs Canada (INAC), and the Government of Ontario) will proceed on a special study of issues related to First Nations on-reserve child welfare services in Ontario, referred to as the Ontario Special Study;

**WHEREAS** COO recently passed a resolution stating that the goal of the Ontario Special Study is to examine the funding arrangements and comparability of child welfare services for on-reserve First Nations children in Ontario and to provide options on a new First Nations child well-being policy, program delivery and funding approach that is child-centred, community-directed and supports better outcomes by focusing on prevention;

**WHEREAS** Nishnawbe Aski Nation (NAN) is already engaged in bilateral processes specific to northern remote communities, with both the Government of Canada and the Government of Ontario, to examine the funding arrangements and comparability of child welfare services for on-reserve First Nations children in the North and to provide options on a new First Nations child well-being policy, program delivery and funding approach that is child-centred, community-directed and supports better outcomes by focusing on prevention;

**WHEREAS** NAN's processes regarding child welfare are specific to, and directly address, the unique factors regarding child and family service delivery to northern remote communities;

**WHEREAS** INAC and Ontario have already distributed child welfare immediate relief prevention funding in fiscal year 2017/2018 for First Nations based on a dated and inadequate formula entitled the Casino Rama Formula;

**WHEREAS** the Casino Rama Formula does not adequately address the unique challenges and consequent costs in respect of child welfare service delivery to Northern remote communities;

RESOLUTION 17/87: ONTARIO SPECIAL STUDY AND FUTURE  
IMMEDIATE RELIEF PREVENTION FUNDING – CHILD WELFARE

**THEREFORE BE IT RESOLVED** that NAN Chiefs-in-Assembly direct that the NAN northern remote processes be the predominant mechanism for addressing issues concerning funding and delivery of child welfare services for the North;


**FURTHER BE IT RESOLVED** that all other processes, including those recently initiated by the Political Confederacy of COO, must defer to NAN-specific processes concerning child welfare services for the North and, for greater certainty, the Ontario Special Study will proceed concurrently with, and without prejudice to, those ongoing NAN initiatives directed at addressing the unique challenges faced by northern remote communities;

**FURTHER BE IT RESOLVED** that Chiefs-in-Assembly direct that the Casino Rama Formula is no longer a valid or acceptable basis for the future distribution of child welfare funding;

**FINALLY BE IT RESOLVED** that Chiefs-in-Assembly direct that any future distribution of immediate relief and long-term prevention funding be informed by the findings of NAN-specific processes regarding the Remoteness Quotient table and associated research.


**DATED AT TIMMINS, ONTARIO, THIS 15<sup>TH</sup> DAY OF NOVEMBER 2017.**

**MOVED BY:** Chief Ignace Gull, Attawapiskat First Nation  
**SECONDED BY:** Chief Andrew Solomon, Fort Albany First Nation  
**DECISION: CARRIED**

  
Grand Chief Alvin Fiddler

  
Deputy Grand Chief

This is Exhibit "E" referred to in the Affidavit  
of Bobby Narcisse affirmed before me on  
this 3<sup>rd</sup> day of December, 2019,  
in the City of Ottawa, in the Province of Ontario.

  
A Commissioner for taking affidavits, etc.  
Mary (Molly) M.D. Churchill  
L.S.O. # 72510P



# Office of the Grand Chief Nishnawbe Aski Nation

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100 Back Street, Unit 200 Thunder Bay, ON P7J 1L2  
Tel: (807) 623-8228 Fax: (807) 623-7730

May 30, 2019

The Honourable Seamus O'Regan  
Minister of Indigenous Services Canada  
House of Commons  
Ottawa, ON K1A 0A6  
Via Email: [seamus.oregan@canada.ca](mailto:seamus.oregan@canada.ca)

Dear Minister O'Regan:

## **RE: CONTINUED FAILURE TO ADDRESS REMOTENESS COSTS**

I write to express concern with continued inexplicable refusal by Indigenous Services Canada (ISC) to draw on the work of the Remoteness Quotient (RQ) Table to inform its decision-making. The result of this refusal is continued discriminatory treatment of the children and families of Nishnawbe Aski Nation (NAN) and of remote First Nations across Canada.

As a member of the RQ Table, ISC insisted that the economic modeling of remoteness costs developed by the experts engaged through the RQ Table undergo a rigorous third-party review. NAN, the other member of the RQ Table, agreed wholeheartedly to this due diligence: an independent third-party review would ensure the validity and high quality of the economic modeling produced by the RQ experts. The third-party review process introduced delays in the production of the Final RQ Report, but it was an important quality-control measure.

On February 22, 2019, the Final RQ Report passed third-party review. Three months later, ISC is still refusing to acknowledge the implications of the work produced for the RQ Table: remoteness-related costs associated with delivering child welfare services are significant; current funding is woefully inadequate to account for remoteness-related costs; and a 10% remoteness envelope as currently used to address remoteness-related costs in distributing funds is unacceptable.

Since NAN filed the Final RQ Report with the Canadian Human Rights Tribunal on March 29, 2019, ISC has refused to embrace the latest work of the RQ Table. ISC's engagement with NAN regarding the RQ work since March 2019 has been limited to a phone call on May 13, 2019, between Odette Johnston and NAN's Director of Social Services, Bobby Narcisse, accompanied by NAN's legal counsel. Ms. Johnston was unable to articulate ISC's position on the Final RQ Report, and was unable to shed any light on why ISC has been refusing to meaningfully engage with the Final RQ Report. She offered zero commitment by ISC to implement the findings of the Final RQ Report. When Mr. Narcisse subsequently reached out to request a further meeting with Assistant Deputy Minister Wilkinson to discuss the RQ work, his request was denied. There is only one conclusion that can be drawn from the above: ISC choosing to ignore the significant funding investments required to account for remoteness-related costs of delivering child and family services in remote First Nations communities.

It is of grave concern to NAN, and an offence to the children and families of NAN, when ISC demonstrates its support for continued use of the Casino Rama Formula (CRF, more recently renamed the OFNLP) to distribute child welfare funding in Ontario. NAN has consistently opposed the use of CRF to distribute child welfare funds, based on its experience that such distribution is inequitable. Most recently, in November 2017, the NAN Chiefs-in-Assembly passed a resolution recognizing the inadequacy of the CRF to account for remoteness costs. The RQ Table has since produced an expert report that puts specific – and staggering – numbers on these remoteness-related costs. This RQ work, using hard data, validates the concerns NAN has long been expressing. ISC is refusing to honour the work produced by its RQ Table. This refusal demonstrates that ISC is not committed to ending inequitable treatment of the children and families of NAN.

I write to insist that ISC immediately cease distributing funds based on the CRF. ISC now has the data and the method it needs to address chronic underfunding and inequitable distribution of funds that harm the children and families of NAN. Should ISC take any further steps relying on the CRF as a means of distributing funds, I will be instructing legal counsel to bring a motion before the Tribunal seeking an order that ISC cease its inequitable treatment of our children and families.

NAN had great hopes that the RQ Table would continue to work productively to remedy the alarming underfunding of remote communities and agencies providing child welfare services. The RQ Table produced exactly what it set out to produce: third-party-validated data that enables informed funding decisions that account for remoteness-related costs. In other words, ISC now has data that enables informed decision-making to ensure funding decisions are made in line with the imperative of substantive equality. There is absolutely no excuse for not acting on this data.

I look forward to hearing back from you with confirmation that ISC will no longer rely on the CRF for distribution of child welfare funding, and will start working with NAN to apply the findings of the Final RQ Report.

Sincerely,

**NISHNAWBE ASKI NATION**



Grand Chief Alvin Fiddler

cc: *Joanne Wilkinson*

This is Exhibit "F" referred to in the Affidavit  
of Bobby Narcisse affirmed before me on  
this 3<sup>rd</sup> day of December, 2019,  
in the City of Ottawa, in the Province of Ontario.



\_\_\_\_\_  
A Commissioner for taking affidavits, etc.  
Mary (Molly) M.D. Churchill  
L.S.O. # 72510P

Ministre des Services  
aux Autochtones



Minister of  
Indigenous Services

Ottawa, Canada K1A 0H4

RECEIVED

AUG 19 2019

NISHNAWBE-ASKI

AUG 13 2019

GC, WC, TM  
NAW EXEC BN

Grand Chief Alvin Fiddler  
Nishnawbe Aski Nation  
100 Back Street, Unit 200  
THUNDER BAY ON P7J 1L2

Dear Grand Chief Fiddler:

Thank you for your letter dated May 30, 2019, regarding the next steps to implement the work of the Remoteness Quotient Table. In the Terms of Reference that established this table, Canada and the Nishnawbe Aski Nation committed to “collaborate in the spirit of reconciliation on solutions to the deficiencies in remoteness funding for Indigenous child welfare that were found by the Canadian Human Rights Tribunal.” I want to confirm that Indigenous Services Canada remains committed to working with the Nishnawbe Aski Nation to address these challenges.

The well-being of children and our work with Indigenous partners to reform Indigenous child and family services remains among the Government of Canada’s most important priorities. As we move forward with reforming the First Nations Child and Family Services Program, it will be important to ensure that the Remoteness Quotient research informs any new program funding methodology. Additionally, it will be essential that all of the research undertaken on a new program funding methodology, including the Remoteness Quotient, the Ontario Special Study, and the work of the Institute for Fiscal Studies in Democracy be considered in an integrated manner. I understand that departmental officials spoke with officials from the Nishnawbe Aski Nation on June 20, 2019, and on August 1, 2019, to discuss the Remoteness Quotient research, including the need for the Ontario government to review and validate the report. I am encouraged to hear that the ongoing discussions are productive and that we will continue to collaborate on these matters.

.../2

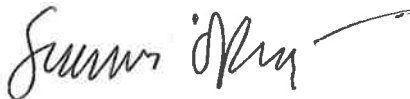
I am aware that on April 11, 2019, the Chiefs of Ontario passed Resolution 12/19 that directs Indigenous Services Canada to distribute prevention and Community Well-Being and Jurisdiction Initiative funding among Ontario First Nations by applying the 'Ontario First Nations Limited Partnership' formula. I acknowledge the concerns raised by the Nishnawbe Aski Nation regarding the use of the Ontario First Nations Limited Partnership formula to disburse child and family services funding. In the spirit of collaboration, the Department's approach has been to support Ontario First Nations' leadership in determining the most effective way to allocate available child and family services funding in Ontario; accordingly, the formula used to provide prevention and Community Well-Being and Jurisdiction Initiative funding directly to Ontario First Nations has been based on direction to Canada from the Chiefs of Ontario and the Ontario Political Confederacy, supported by signed Resolutions.

I encourage you to continue to engage with the Chiefs of Ontario and other members of the Political Confederacy on how to best allocate funding in a way that puts children and families first and acknowledges the unique needs of northern and remote communities.

As you know, Budget 2018 announced an additional \$1.4 billion over six years to address funding pressures facing First Nation child and family services agencies, while also increasing prevention resources for communities so that children are safe and families can stay together. This funding increased the amounts that went directly to First Nations in Ontario for prevention and community well-being activities, including Nishnawbe Aski Nation First Nations. Over and above the funding that went directly to First Nations, an additional \$6.6 million was provided to First Nation child and family services agencies that serve Nishnawbe Aski Nation communities, specifically to address remoteness.

I am pleased to be working with you and as these important steps are taken to advance the reform of Canada's support for First Nation child and family services in Ontario.

Sincerely,



The Honourable Seamus O'Regan, PC, MP

c.c.: Nishnawbe Aski Nation Chiefs Committee on Children, Youth and Families  
Nishnawbe Aski Nation Executive Council  
Chiefs of Ontario Chiefs Committee on Social Services



This is Exhibit "G" referred to in the Affidavit  
of Bobby Narcisse affirmed before me on  
this 3<sup>rd</sup> day of December, 2019,  
in the City of Ottawa, in the Province of Ontario.



\_\_\_\_\_  
A Commissioner for taking affidavits, etc.  
Mary (Molly) M.D. Churchill  
L.S.O. # 72510P

INTERIM REPORT

THE NATIONAL INQUIRY INTO MISSING  
AND MURDERED INDIGENOUS WOMEN AND GIRLS

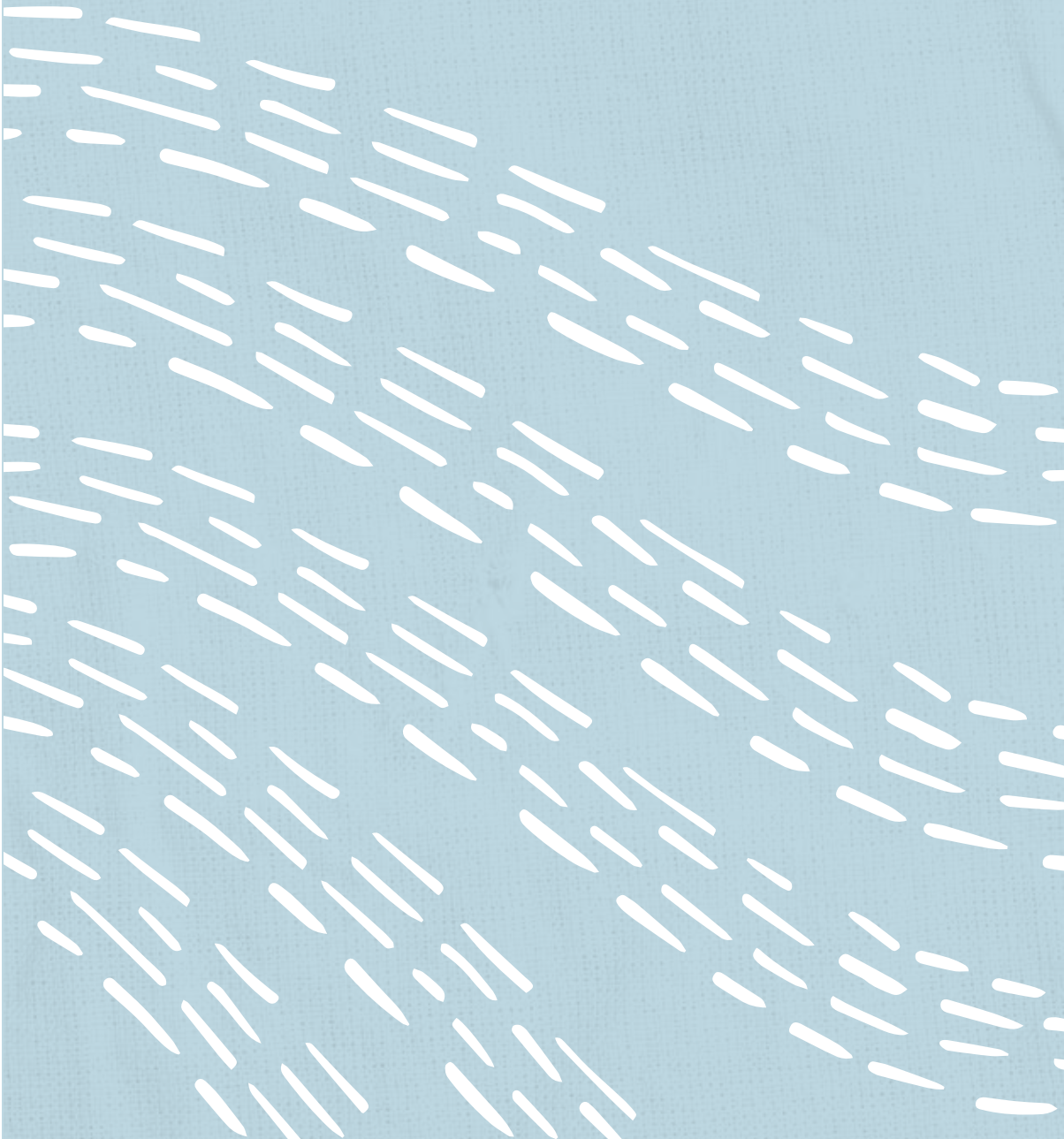
# *Our Women and Girls* **ARE SACRED**



INTERIM REPORT

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

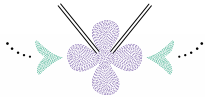


**INTERIM REPORT**

THE NATIONAL INQUIRY INTO MISSING  
AND MURDERED INDIGENOUS WOMEN AND GIRLS

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



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



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Cette publication est également disponible en français :  
Nos femmes et nos filles sont sacrées : rapport provisoire de l'enquête nationale sur les femmes et les filles autochtones disparues et assassinées

CP32-163/1-2017E-PDF

ISBN : 978-0-660-09755-8



COVER IMAGE:

Eagle's Gift: Maxine Noel ~ IOYAN MANI  
Image file courtesy of Canadian Art Prints

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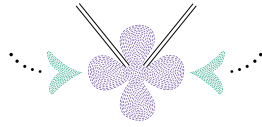
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As Commissioners, we acknowledge and honour the memory of all Indigenous women and girls—including those who are Two-Spirit, lesbian, gay, heterosexual, bisexual, transgender, queer, or non-binary, and those with disabilities or special needs—who are 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>

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*“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.

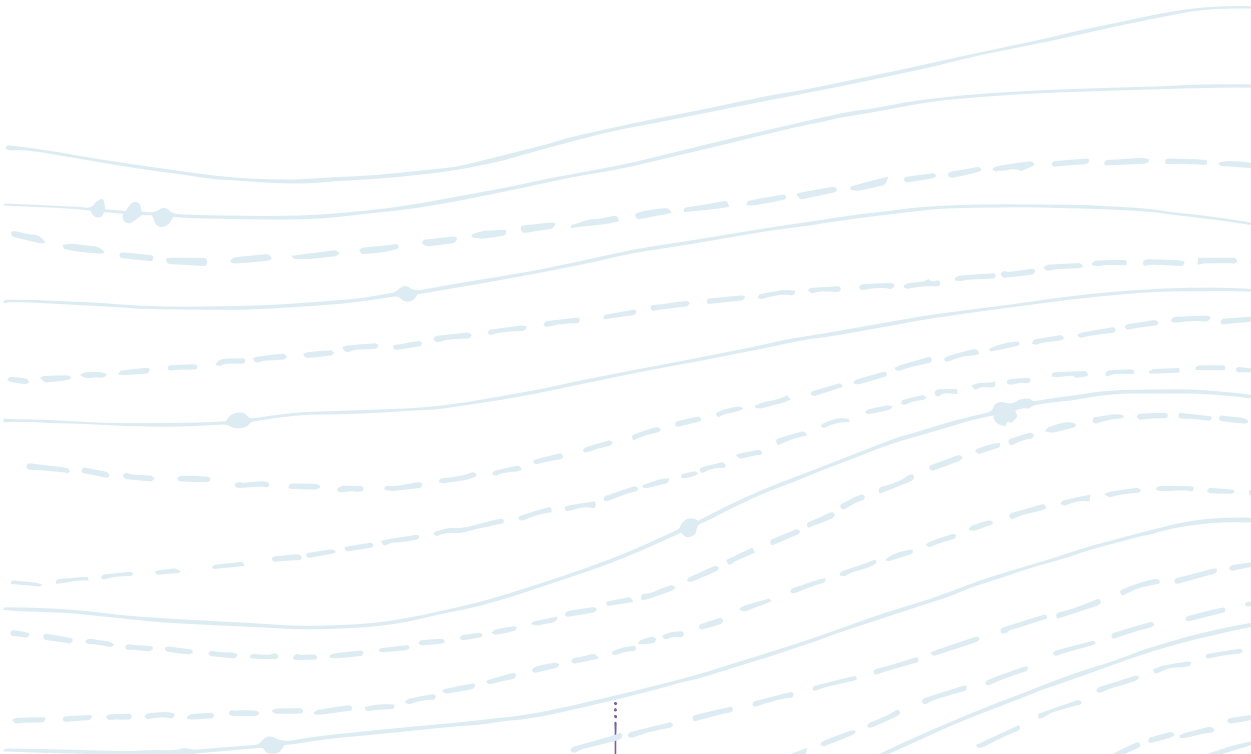
The National Inquiry will build upon the central conclusion of the Aboriginal Justice Inquiry, the Royal Commission on Aboriginal Peoples, and the Truth and Reconciliation Commission of Canada: that violence against Indigenous Peoples, including Indigenous women and girls, is rooted in colonization. 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.

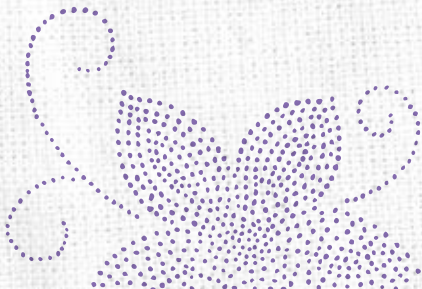


### QAJAQ ROBINSON COMMISSIONER

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

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

Before her appointment Commissioner Robinson 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**

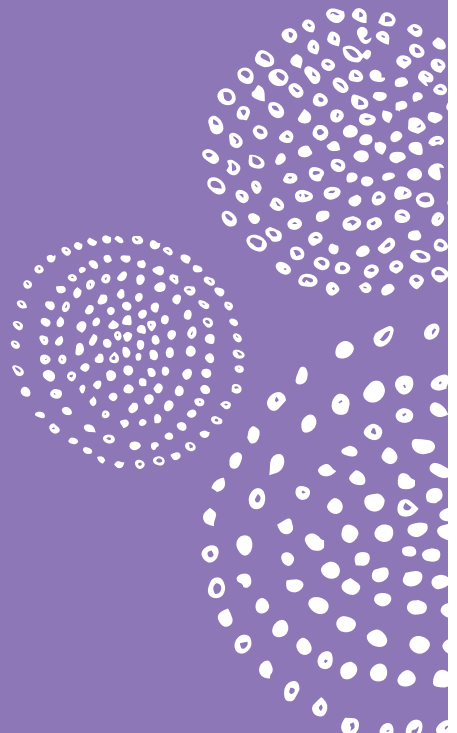
Virtually all of the reports that discuss root causes point to the historical legacies and continuing impacts of colonization on Indigenous communities in Canada. Many reports also discuss how discrimination under the *Indian Act* and other Canadian laws, the residential school system, and the Sixties 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**

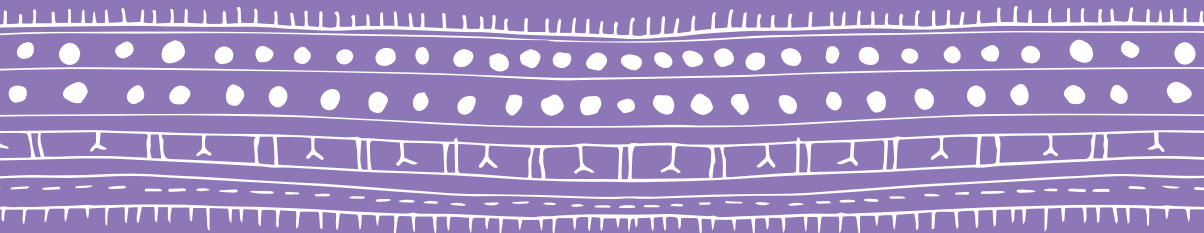
A person who is entitled to have their names included on the Indian Register, an official list maintained by the federal government. Certain criteria determine who can be registered as a Status Indian. Only Status Indians are recognized as Indians under the *Indian Act* and are entitled to certain rights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

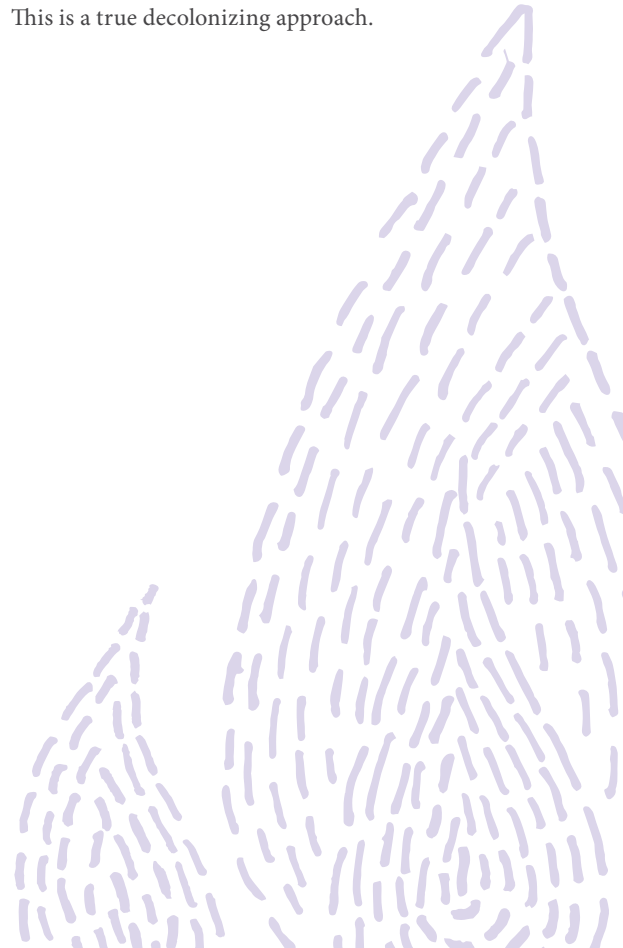
There may have been some progress in implementing recommendations on improving relationships between the RCMP and Indigenous people, at least at the policy level. However, it is difficult to assess whether these initiatives are truly working or not. Importantly, there appears to be little movement in 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





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.

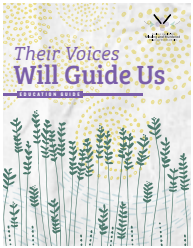
Through the Legacy Archive, we are creating opportunities for these artistic expressions to be used in the future for physical and digital exhibits, reports and studies, film and documentaries, academic articles and books, or to be forwarded to third parties for use in news articles. Again, all this 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

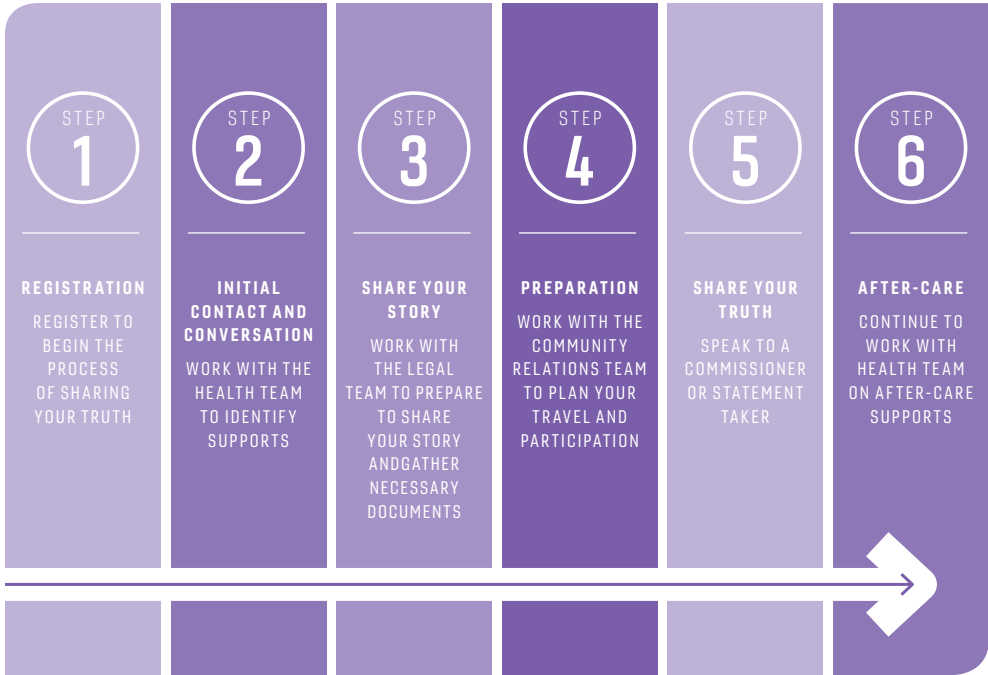
The first person you will hear from will be a member of our Health Team. This is an important step that allows us to gather basic information so that we can understand what supports you may need as you journey through the process of telling your story. Once you are ready, you will be referred to a member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

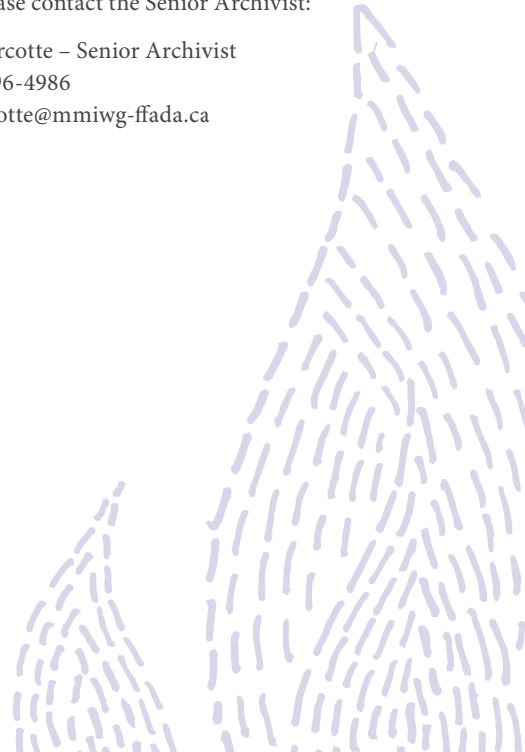
Please do NOT send master or original copies, unless you have decided that the National Inquiry can keep the original. You may also submit your artist bio or CV, your website address, or any other relevant material.

*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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  - 2 James Anaya, United Nations Special Rapporteur on the Rights of Indigenous Peoples, *Statement upon conclusion of the visit to Canada*, October 15, 2013. Accessed July 28, 2017. <http://unsr.jamesanaya.org/statements/statement-upon-conclusion-of-the-visit-to-canada>.
  - 3 These have included, but are not limited to: Metis artist Christi Belcourt's publicly created *Walking With Our Sisters* art installation; Metis artist Jaime Black's *The REDress Project*; the Native Women's Association of Canada's *Faceless Dolls* project; numerous news investigations, television and film documentaries; and social media hashtags "#MMIW" and "#AmINext?"
  - 4 "Missing & Murdered: The Unsolved Cases of Indigenous Women and Girls," CBC News. Accessed August 21, 2017. <http://www.cbc.ca/missingandmurdered/>.
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  - 6 For example, the Ipperwash Inquiry in Ontario (1994–97) investigating the circumstances surrounding the shooting death of Indigenous protestor Dudley George by an officer of the Ontario Provincial Police could not compel officials from the federal government, or production of any of their documents, to attend before the Commissioner because as a provincial public inquiry, its Commissioners did not have the legal powers to issue subpoenas against the federal government.
  - 7 For example, at the Whitehorse Community Hearing, the hearing space was smudged after each sharing session on the advice of local Elders. This cleared the room's energy and allowed the next person to start in a good way.
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  - 9 The Canadian Feminist Alliance for International Action (FAFIA), NWAC, and the Canadian Journal of Women and the Law have identified that failing to clearly articulate what "family" means risks creating more divisions between Indigenous women and girls and their families, if their families aren't "mainstream." This is echoed (indirectly) by the coalition No More Silence.

## CHAPTER 2: OUR STORY BEGINS

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## CHAPTER 3: OUR STORY BUILDS

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  - 3 Pippa Feinstein and Megan Pearce, "Violence Against Indigenous Women and Girls in Canada. Review of Reports and Recommendations," Legal Strategy Coalition on Violence Against Indigenous Women (LSC), February 26, 2015. Accessed July 14, 2017. <http://www.leaf.ca/legal/legal-strategy-coalition-on-violence-against-indigenous-women-lsc/>.
  - 4 Note: The reports of the Royal Commission on Aboriginal Peoples, the Aboriginal Justice Inquiry, and the Truth and Reconciliation Commission of Canada have been reviewed earlier in this report.
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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/>.

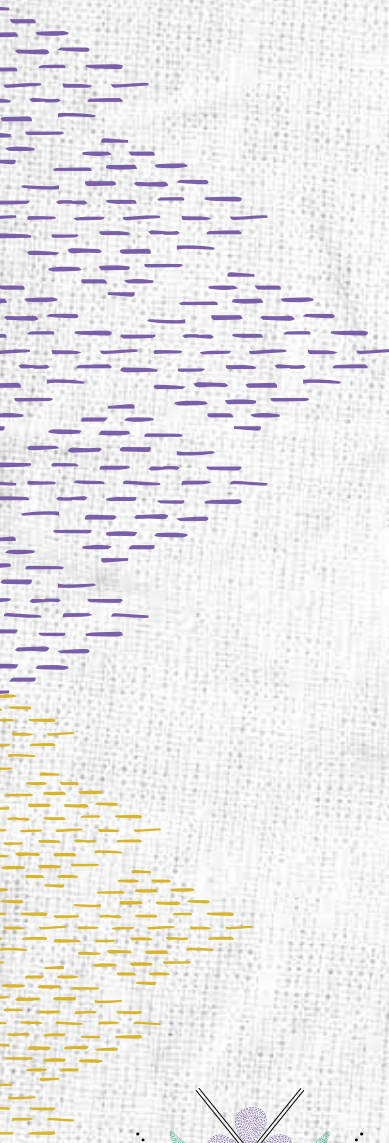
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National Inquiry into  
**Missing and Murdered**  
Indigenous Women and Girls



**NATIONAL INQUIRY INTO MISSING AND  
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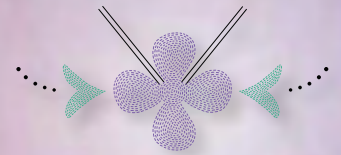
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This is Exhibit "H" referred to in the Affidavit  
of Bobby Narcisse affirmed before me on  
this 3<sup>rd</sup> day of December, 2019,  
in the City of Ottawa, in the Province of Ontario.



A Commissioner for taking affidavits, etc.  
Mary (Molly) M.D. Churchill  
L.S.O. # 72510P



National Inquiry into  
Missing and Murdered  
Indigenous Women and Girls

# RECLAIMING POWER AND PLACE

THE FINAL REPORT  
OF THE NATIONAL INQUIRY  
INTO MISSING AND  
MURDERED INDIGENOUS  
WOMEN AND GIRLS

**Volume 1a**



Reclaiming Power and Place: The Final Report of the National Inquiry into  
Missing and Murdered Indigenous Women and Girls, Volume 1a



Cette publication est également disponible en français :

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Dee-Jay Monika Rumbolt (Snowbird), for *Motherly Love*  
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Christi Belcourt, for *This Painting is a Mirror*

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## Acknowledgements

As Commissioners, we were mandated to investigate all forms of violence against Inuit, Métis and First Nations women and girls, including 2SLGBTQQIA people. We were given a sacred responsibility to hear from families and survivors of violence to make concrete and actionable recommendations for the safety of Indigenous individuals, families and communities. The legacies of those who no longer walk among us will not be forgotten as all Canadians have a moral obligation to share this sacred responsibility in breaking down systemic barriers, eliminating violence, and ultimately creating safer spaces for Indigenous women, girls, and 2SLGBTQQIA people.

We honour the memory of all missing and murdered Métis, First Nations and Inuit women, girls, and 2SLGBTQQIA people including the spirits of the missing or murdered whose families shared with us. You were taken, but you are not forgotten; your lives, dreams, hopes and losses are now forever a part of Canada's living history.

We want to thank the families who shared their painful truths, knowledge, wisdom, experiences and expertise with us. We honour your strength, courage and perseverance in seeking justice and healing for the loss of your grandmothers, mothers, sisters, aunties, daughters, nieces, cousins and close friends.



# PREFACE



We acknowledge the survivors of violence who shared their experiences with us. You have illustrated pure strength, courage and resiliency in sharing your truth as many of you are still experiencing trauma and systemic violence. We are extremely touched you entrusted us with your experiences.

We cherish the submissions of artistic expressions, including, songs, poems and art, that have been shared with us. Thank you to the artists, family members, survivors and those across the nation who have been impacted or inspired to take action through their submission. Your art will continue to serve as powerful commemoration and legacy tools to share truth and knowledge and serve as a means to heal and inspire action in others.

We offer our sincerest gratitude to the Elders and Grandmothers Circle who worked alongside us, offering their support, wisdom, encouragement, advice, protection and love to us and all who worked with the National Inquiry. Our inspiration came from our Grandmothers who motivated us to always work to the highest standards. One of the ways we will be able to express our gratitude is to always live by the lessons and wisdom they shared.

We want to acknowledge and thank the families and survivors who guided and assisted us as members of the National Family Advisory Circle. For many years, you fought to be heard and acknowledged in seeking justice for your loved ones and your fellow Indigenous women, girls, and 2SLGBTQQIA people. You fought for a national investigation into the injustices and violence experienced by Métis, Inuit and First Nations women, girls, and 2SLGBTQQIA people. We were not provided with the

# PREFACE



time, tools and powers to do all that we had hoped we could do, but you walked with us every step of the way, and we are beyond humbled to have walked alongside you, and to have received your truth and your trust.

We have been honoured with the support of Elders and Knowledge Keepers across the nation who offered their guidance, knowledge, wisdom, prayers, traditions, and ceremonies to the National Inquiry at our hearings, statement-gathering events and other community events. In sitting with us, tending to the *qulliq* and sacred fires, offering ceremonies, songs, prayers, and words of wisdom, you have helped us navigate through the very challenging task of engaging in a legal inquiry process, while incorporating distinctive First Nations, Inuit, and Métis cultures, languages, spirituality, and creating opportunities for healing. You remind us that every step in our process had to be with heartfelt intention and purpose and grounded in relationships and reciprocity.

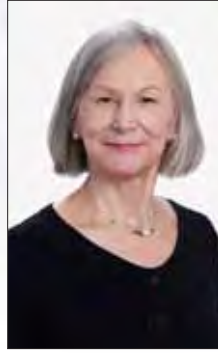
We want to acknowledge the communities across the country that welcomed us into their territories and homes. You helped us create safe spaces filled with culture, language, spirit and compassion at each hearing. In these safe spaces, difficult truths were brought to light, and for some, healing began.

We offer gratitude to the members of our Métis, Inuit, 2SLGBTQQIA and Quebec Advisory Committees, who offered their time to us in exploring issues and positive solutions. Your expertise, advice and guidance has contributed to the development of this report and recommendations for the elimination of violence against Inuit, Métis and First Nations women, girls, and 2SLGBTQQIA people.

# PREFACE



We are so thankful for all of the staff and the contractors who made up the National Inquiry. You have been fiercely driven and dedicated to ensuring we were able to fulfill as much of our mandate in the time we had available to us as we could. Time and time again you pulled off the impossible: 24 hearings across the country, almost 750 people's statements gathered, eight institutional visits to correctional facilities, four Guided Dialogues, eight validation meetings for the *Final Report* and numerous other gatherings which were required to fulfill this national mandate. You have truly brought to life our vision of finding the truth, honouring the truth and giving life to the truth.



## Chief Commissioner Marion Buller

**F**irst, I acknowledge and welcome the spirits of the missing and murdered Indigenous women and girls. I also acknowledge the courage of survivors. Their spirits and courage guided us in our work. This report is about these beautiful Indigenous people and the systemic factors that lead to their losses of dignity, humanity and, in too many cases, losses of life. This report is about deliberate race, identity and gender-based genocide.

The violence against Indigenous women, girls, and 2SLGBTQQIA people is a national tragedy of epic proportion. Also part of this national tragedy is governments' refusals to grant the National Inquiry the full two-year extension requested. In doing so, governments chose to leave many truths unspoken and unknown. There has been and will be criticism of our work; it is vitally important. I hope that the criticism will be constructive and never end. I take the critics and their criticism as indications of the great passion that exists about the issue of violence against Indigenous women and girls.

As a nation, we face a crisis: regardless of which number of missing and murdered Indigenous women and girls is cited, the number is too great. The continuing murders, disappearances and violence prove that this crisis has escalated to a national emergency that calls for timely and effective responses.

Within the National Inquiry, and in the short time we have had to do our work, families and survivors have provided important truths. These truths force us to reconsider where the roots of violence lie, and in doing so, to reconsider the solutions. I hope that knowing these truths will contribute to a better understanding of the real lives of Indigenous people and the violations of their human and Indigenous rights when they are targeted for violence. The truth is that we live in a country whose laws and institutions perpetuate violations of basic human and Indigenous rights. These violations amount to nothing less than the deliberate, often covert campaign of genocide against Indigenous women, girls, and 2SLGBTQQIA people. This is not what Canada is supposed to be about; it is not what it purports to stand for.

# P R E F A C E

In this report, we use hard words to address hard truths like genocide, colonization, murder and rape. To deny these hard words is to deny the truths of the families and survivors, front-line workers, and grassroots organizers. We used hard words because the violence against Indigenous women, girls, and 2SLGBTQQIA people is a difficult, critically important crisis to address and in which we all have a role.

This report is also about hope. I believe, especially after witnessing the resilience of Indigenous families, survivors and communities, that change will happen. An Elder said, “We all have to get past the guilt and shame.” This begins with recognizing the truth. For non-Indigenous Canadians, this means rethinking commonly held stereotypes, and confronting racism in every context. For Indigenous Peoples, this means using the truth to rebuild our lives, our families, our communities and Canada itself. And for governments, this means nothing less than a new and decolonized social order; it is an opportunity to transform and to rebuild in real partnership with Indigenous Peoples.

Skeptics will be fearful and will complain that the financial cost of rebuilding is too great, that enough has been done, that enough money has been spent. To them I say, we as a nation cannot afford *not* to rebuild. Otherwise, we all knowingly enable the continuation of genocide in our own country.

I thank the family members and survivors who shared their painful truths about their tragic experiences at our hearings and statement-gathering events. I am honoured to have shared your tears, hugs and hopes for a better future. I will always be inspired by your resilience.

I have special admiration for the grassroots people and activists who knew, first hand, about the depth of the violence against Indigenous women, girls, and 2SLGBTQQIA people. They knew – they have always known – that the violence has to stop. Through their sheer determination over generations, they have forced governments to pay attention, and to establish what we consider to be just the beginning of this work: a National Inquiry into the root causes of a crisis that has been generations in the making.

Canada can be a great country – the one many Canadians believe it is. Collectively, we must settle for nothing less. Achieving this greatness will take vision, courage and leadership. I have seen these qualities and more, in Indigenous people, from coast to coast to coast. I challenge them to be the new leaders who will create a new reality, a new social order – a safe and healthy country for all.



## Commissioner Michèle Audette

Throughout the ages, all societies have taken care to ensure the safety of the members of their communities. And yet, still today, the World Health Organization reports that 35% of women worldwide will experience physical or sexual violence in their lifetime, this figure reflecting only violence that is reported.

In Canada, statistics show that Indigenous women and girls are 12 times more likely to experience violence than non-Indigenous women. According to Statistics Canada, between 1997 and 2000, homicide rates for Indigenous women were nearly seven times higher than for non-Indigenous women. A risk of such magnitude requires us all to take responsibility, to clearly identify the issue and to take strong measures to address this situation, which is rooted in Canada's historical and political context.

That said, statistics cannot convey what families and communities really go through when they lose loved ones to such violence. The concept of family means so much more than biological lineage, with the strengths and diversity of a family being found in the sum of its parts. Each of them deserves to live in an environment where all of its members can develop their full potential safely and peacefully.

The National Inquiry has been an enriching learning experience, both personally and professionally, but it has also been trying. Fulfilling our mandate was a daunting task, and I often felt helpless when hearing the testimony of every person who generously contributed to the exercise we put before them.

Our mission was to shed light on a social crisis that affects Indigenous women and girls and 2SLGBTQIA people every day of their lives. Although this crisis was identified long ago, we have been slow to examine it in depth. The commission that I have been part of inquired into a situation that has affected all of Canada's Indigenous communities, as well as all Canadians, throughout the 500 years of our common history.

# P R E F A C E

This unprecedented inquiry addresses violence against some of this country's most vulnerable citizens and identifies its systemic causes. Never has there been such an opportunity for the truth about violence against Indigenous women and girls to be heard and acknowledged. Within the organization, we pushed and constantly stretched the limits of our teams to meet our goals.

Why go to such lengths? To bring about change. As my mandate comes to an end, I note, with great humility, that this National Inquiry will have honoured the struggles taken up by the families and survivors over the past 40 years. This Inquiry, which was sought by 3,000 families, will have shone light on facts that are all too often hidden.

Violence against Indigenous women and girls does not stem from one isolated event. Sadly, it is the daily reality of far too many human beings, many of whom are among this country's most vulnerable. Today, we have the opportunity to highlight the extraordinary resilience of Indigenous women and girls, who remain dedicated to advocating for their rights and charting a path forward – a path we must all take together. We wish to honourably acknowledge victims and give families the opportunity to finally be able to give their children a better future.

The present can only be understood in relation to the past: we must know our past, understand it and accept it, if the future is to have meaning. We now need to go further and put forward a true social blueprint that will enable the country to adequately address this major social issue and break through this impasse. All our efforts will have led to identifying the solutions, means and actions needed to bring about this movement. Every Canadian can and must become involved at their own level if things are to change. Together, we have a duty to take effective measures to prevent and put an end to violence against Indigenous women and girls and ensure their safety.

This commission of inquiry does not mark the end of a movement, but represents a step in a healthy process that is a source of hope, a social undertaking. Today is the first day of the Canada of tomorrow. We cannot change the past, but we can work together to shape a better future built on the strengths of each and every community that welcomes it, thereby committing to improving the safety of Indigenous women and girls together.

#EndViolence #WomenAndGirlsAreSacred #ThankYouLife



## Commissioner Qajaq Robinson

**A**s a non-Indigenous person, I must acknowledge the significance of the welcoming, respect and kindness I, like others, have graciously received from Indigenous communities throughout the National Inquiry. I acknowledge that for many Indigenous Peoples, however, welcome, respect and kindness is not what you receive when you encounter government agencies and the Canadian public. Through this process, I have come to more fully understand that the Canada I live in and enjoy is not the Canada that Indigenous women, girls, and 2SLGBTQQIA peoples experience. In the eyes of the state, through law, policies and practice, we are not seen or treated as equals.

The continued actions of our governments to deny and infringe on human rights and Indigenous rights and the colonial, sexist and racist attitudes held by non-Indigenous peoples fails to reciprocate this welcome, respect and kindness you have shown me. Despite the numerous human rights laws and instruments the federal, provincial and territorial governments are bound by, and despite the recognition and affirmation of Indigenous rights in our Constitution, and the numerous court decisions calling for rights recognition and respect, this is not the reality for Indigenous Peoples, and especially Indigenous women, girls, and 2SLGBTQQIA people in Canada.

There continues to be a widespread denial of rights and dehumanization of Indigenous women, girls, and 2SLGBTQQIA peoples. This denial and dehumanization is the foundation Canada is built on, and upon which it continues to operate today. It is the cause of the violence we have been called upon to examine. It is a hard truth to accept for Canadians today, as we pride ourselves on being a just and principled society, bound by the rule of law and respectful of human rights and human dignity. However, we have been blind to the reality that our own place and privilege as Canadians is the result of gross human rights violations against Indigenous Peoples. These violations continue to persist in overt and in more subtle ways daily across Canada. This truth hurts us all, and grossly undermines our values and our potential as a country.

So what are we non-Indigenous Canadians to do now? We must acknowledge our role and we must become actors in the rebuilding of this nation. We must acknowledge that the crisis of violence against Indigenous women and girls has been centuries in the making, and its root cause is colonialism, which runs deep throughout the foundational fabric of this country. We are here



## P R E F A C E

now because of years and years of decisions and actions that built Canada, all while robbing Indigenous Peoples, and especially women, girls, and 2SLGBTQQIA peoples, of their humanity, dignity and ultimately their lives. It is genocide.

We must be active participants in decolonizing Canada. We must challenge all institutions, governments and agencies to consciously and critically challenge the ideologies that govern them. We must critically examine our systems of laws and governance to identify how they exclude and oppress Indigenous Peoples. We must challenge and call on all leaders to protect and uphold the humanity and dignity of Indigenous women, girls, and 2SLGBTQQIA peoples. And when they fail to do so, we must hold them accountable.

Finally, ending the genocide and rebuilding Canada into a decolonized nation requires true and equal partnership with Indigenous Peoples. I hope that the *Final Report* of the National Inquiry into Missing and Murdered Indigenous Women and Girls can be a tool to do just that.



*Martha Kyak designed and sewed this amauti. Sewing this amauti was a healing process for her. Martha has dedicated this amauti in memory of her sister Lily.*



## Commissioner Brian Eyolfson

**A**s I reflect on the work of the National Inquiry, I have tremendous gratitude for the family members and survivors of violence whose voices and contributions have carried this work forward. Over the course of the National Inquiry, we heard from many courageous grandmothers, mothers, sisters, aunties, daughters, grandfathers, fathers, brothers, uncles, sons and other family members, including families of the heart, about their loved ones who have gone missing or been murdered, as well as survivors of violence. As one of the Commissioners of the National Inquiry, I have had the honoured privilege to be a part of this opportunity to change the way forward.

To witness the extraordinary strength and courage of the families and survivors who shared their truths with all of us has been an incredible experience. Those shared truths will always be in my heart, and observing such strength and resiliency also gives me hope for positive change on a stain that has covered this country for far too long. The release of this *Final Report* is also an important opportunity and step in honouring the gifts of the truths that families and survivors shared with the National Inquiry and everyone in Canada.

The mandate given to the National Inquiry, to inquire into and report on the systemic causes of all forms of violence – including sexual violence – against Indigenous women and girls, is far-reaching. In carrying out this mandate, it was important to the National Inquiry to create a process that put family members and survivors first, to help create a path towards healing, and to find, honour and give life to the truth, given the undeniable need to transform the conversation about Indigenous women, girls, and 2SLGBTQQIA people in this country and in our Nations. Through this work, many beautiful relationships were also created across the land, relationships that will continue beyond the mandate of the National Inquiry. We also heard from local Elders who provided advice, such as keeping and carrying a sacred fire to each of our hearings. We have also strived to be inclusive of all Indigenous people, including 2SLGBTQQIA people, and respectful of local protocol.

Carrying out this important and necessary work from coast to coast to coast, in the allotted time, has not been without its challenges. However, the many voices and contributions of families, survivors, experts, Knowledge Keepers and other witnesses such as front-line workers, Parties

with Standing, and our Grandmothers and National Family Advisory Circle members are undeniable. The record created, the fires lit and the many connections made through the work of the National Inquiry, give strength and support for concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women, girls, and 2SLGBTQQIA people in Canada.

The fundamental rights, including human rights and Indigenous rights, of Indigenous women, girls, and 2SLGBTQQIA people in Canada must be upheld and respected on a substantive and equitable basis. Many Indigenous women, girls, and 2SLGBTQQIA people are denied basic rights that others in Canada take for granted, such as access to safe housing and education. For far too long, colonial and discriminatory policies, practices and attitudes have subjected Indigenous women, girls, and 2SLGBTQQIA people to violence in this country – a violence that unfortunately for many Indigenous women, girls, and Two-Spirit and transgender people has become normalized – and continues on an ongoing basis. The need for decisive action to address this crisis is urgent!

Not just governments, but everyone in Canada has a duty and responsibility to take action to address the issue of violence against Indigenous women, girls, and 2SLGBTQQIA people. This also requires critically examining attitudes and behaviours that impact the lives of Indigenous women, girls, and Two-Spirit and transgender people in this country, such as negative portrayals of Indigenous women, girls, and 2SLGBTQQIA people in the media. It is also important that men “take action and stand up to end violence towards women and children,” as the Moose Hide Campaign encourages, through actions such as speaking out against violence, holding each other accountable, and healing and being healthy role models for youth. It is also vitally important that we listen to Indigenous women, girls, and 2SLGBTQQIA people in addressing this pressing issue, as they are the experts and have the solutions and important roles to play in ending violence.

I firmly believe that the work of the National Inquiry, and the findings and recommendations set out in this *Final Report*, provide a strong basis for changing the way forward. We have the opportunity and the will of many to make the necessary changes to ensure the safety of Indigenous women, girls, and 2SLGBTQQIA people for generations to come. Through our concrete actions, let’s honour and give life to the truth.

Our women and girls are sacred.

Chi-Meegwetch

## Messages from the Directors

My continuing prayer is that this national tragedy will end. We have the roadmap drawn in this Final Report, guided by the heartbreak and hope of the many family members and survivors who testified, and the Knowledge Keepers, experts and institutional witnesses who took the time to appear before us. Now, we need the courage to face these truths and the collective will to make Canada the country it was meant to be.

*- Jennifer Rattray, Executive Director*

I would like to thank my team for their hard work and dedication throughout the Inquiry. They ensured the Commissioners and the Legal, Research, and Outreach and Support Services teams were able to concentrate on the survivors and family members who have been impacted by this national tragedy, and that the witnesses were able to travel to and attend hearings across the country. Despite being largely behind the scenes, we bore witness to terrible truths shared by incredibly brave people, and we wholeheartedly believe that the recommendations from this report must be acted upon immediately.

*- Alexandre Desharnais, Director, Logistics*

I am honoured and humbled by the incredible trust placed in us to hear these truths and to share them within this report. To my incredible team - it has been a privilege to share this experience with you. I hope that the vision we have outlined reflects the needs of those who came forward to share their experiences, and that they ultimately contribute to a safer world for all Indigenous women, girls, and 2SLGBTQQIA people. Each and every one of us has a role; it is time to act.

*- Dr. Karine Duhamel, Director, Research*

Even though my role and responsibility was to provide enabling administrative services, I feel privileged to have supported such quick, forceful and meaningful change. I am beyond hopeful that the work instigated by the National Inquiry will be a catalyst towards repairing damage and altering a trajectory which will provide equality of opportunity if not equality of circumstance. With the advent of this Final Report and recommendations, what lies ahead is a great deal of hard work, sure to be filled with moments of despair as well as celebration. Onwards.

*- Nicholas Obomsawin, Director, Operations*

The Registry's responsibility was to hold all of the sacred truths and the evidence given to the Commission by the thousands of witnesses who stood up to denounce the ongoing violence against Indigenous women, girls, and 2SLGBTQQIA people in this country. My team and I count ourselves lucky to have helped build a public record that resounds with the grace and strength of the witnesses and their advocates. Their perspectives can help Canadians heal from our country's past and they tell us we must stop the current, normalized forms of violence. We must begin to listen and to act.

*- Bryan Zandberg, Registrar*

The National Inquiry has a large public record accessible to anyone. The work was only accomplished with the bravery, courage, and resiliency of all who shared their truth. The evidence is compelling; it demonstrates how Indigenous women, girls, and 2SLGBTQQIA people are treated and how indifference and discrimination are maintaining harm and violence. I encourage everyone to listen or read the record; it will not be easy – while the truth is heartbreaking it also provides solutions and calls for change that need to occur so that this country is safe for everyone.

*- Christa Big Canoe, Lead Commission Counsel*

It has been a great honour and privilege to be a part of this historic process. My sincere wish is for the voices of the families and loved ones who testified at the National Inquiry to be finally heard, and that their stories of loss and human rights abuses pave the way to a new future for Canada, one in which we all are respected and treated as equal citizens. The Final Report and its Calls for Justice speak to all Canadians; may we hear their truth and act.

*- Catherine Kloczkowski, Director, Communications*

I want to acknowledge all those who had the courage to forge this new path with us, the spirits of our stolen sisters who guided every step of my journey, and my grandmothers in the spirit world, who watched over me and my son throughout this journey and kept us safe. Now, more than ever, we must all have the courage to continue on this road. We cannot turn a blind eye nor remain comfortable with the status quo. My hope is that together with all Canadians, unified in empathy and compassion, we will undertake the responsibility of ensuring the dawn of a new reality for all those who have yet to be born.

*- Terrellyn Fearn, Director, Outreach and Support Services*



## Reflections from the National Family Advisory Circle

The role of the National Family Advisory Circle (NFAC) is to help guide the work of the National Inquiry and to serve as the voice of truth for the families and communities of missing and murdered Indigenous women and girls. NFAC does this by providing advice during the planning and hearing processes to ensure that the lived experiences of families are heard by the Commissioners alongside the evidence that is presented by the Expert Witnesses, and to ensure that the concerns and experiences of families are taken into account by the Commissioners when they cross-examine the witnesses bringing evidence before them.

Members of the National Family Advisory Circle are volunteers who provide advice to the National Inquiry. The members are not involved in any operations. Members were invited by the Commissioners to participate based on three considerations:

- They are longtime leaders and advocates for their loved ones.
- They have indicated interest in providing their support to the National Inquiry.
- They are representative of a diversity of Nations, geographical regions, and urban and rural communities across the country.

# FOREWORD

We asked members of NFAC, on a voluntary basis, to share some reflections about their own experiences within the National Inquiry and their hopes for the *Final Report* and the outcome of the National Inquiry. We emphasize their invaluable contribution to the process; words are not enough to thank them for their time, expertise, and commitment.



*NFAC members in Vancouver discuss and provide feedback on the Final Report.*

## Vanish, by Gladys Radek

Tamara Lynn Chipman stole her Daddy's heart from the moment she was born. Even her Mom knew she would be a Daddy's girl forever. When Tamara lost her Grampa – her favourite person in the world – she clung to her Daddy and became his little shadow. Tamara loved fishing boats, fast cars, and dogs. She was an adventurer. She grew into a tall, lanky, charming, beautiful young lady with a smile that would brighten anybody's day – from Daddy's little tomboy to a young mother at age 19, forever bonded with her son. She was never afraid of anything and lived life to the fullest.

Then, one day, out of the blue, something out of the ordinary happened. There were no phone calls, no knock on the door, no cheery hello, no more, “Hey Daddy, what we going to do today?” All of a sudden, our world came crashing down. Tamara had vanished. Days turned into weeks, a month and then into years. She disappeared on September 21, 2005 from the northernmost tip of the Highway of Tears in British Columbia.

Our family conducted search parties through the mountains, along the railroad tracks, in ditches and culverts and tread through the back allies of communities where angels wouldn't dare tread. We searched local, provincial, national and international waters for our baby girl only to realize that there were so many more missing, like her.

The eternal flame will continue to burn in the hopes that someday soon she will bounce in that door and say, “Hey Daddy, what we going to do today?” We wonder, is she warm, is she safe, is she alive, and is she being held against her will, is she being raped or tortured, is she being bought or sold? What happened to her, is she dead? Somewhere out there someone knows something; we pray that someday they will come forward and tell us the truth. This thought runs through the minds of all the families of our missing loved ones, the thousands of us who wake up to this nightmare every single day.

Of all of the hurtful experiences associated with the vanishing of a loved one, one of the most is the racism displayed when our First Nations loved ones disappear. We hear things like “I heard she was just a party animal,” or, “Was she wanted by the cops?” Or, the worst of all, that she “lived a high-risk lifestyle.” These labels have taught mainstream society that all our women and girls are just that – prostitutes, addicts and hitchhikers, and therefore not worthy of care or effort.

This is not true: Tamara is loved, now and forever. The Government of Canada as a whole has the responsibility of ensuring every citizen is protected by the laws of the land; all people living in Canada have the responsibility to live in peace and with respect for basic human rights, including safety and justice. It is time for justice, closure, accountability, equality and true reconciliation.

It is time to *END VIOLENCE* against Indigenous women, girls, and 2SLGBTQQIA people. What do we want? JUSTICE! When do we want it? NOW!



## Fallon Farinacci

When the opportunity arose to be part of the National Inquiry into Missing and Murdered Indigenous Women and Girls, I immediately knew I was being guided to share my family's story. I had to be the voice for those who no longer could speak for themselves. Being part of the National Inquiry as an NFAC member has been a stepping stone to a deeper level of healing. It has opened my eyes to the emotional wounds I was suppressing.

It has truly been an honour being part of NFAC. The National Inquiry into Missing and Murdered Indigenous Women and Girls is bigger than most Canadians understand. It's not only about bringing awareness to the lives that have been lost, but it's also about bringing attention to the deep historical wounds that Indigenous people have had to endure. It's about a movement for healing for all.

I'm overwhelmed with gratitude for being given the opportunity to be a member of NFAC and to have my voice heard for my mother (and father). Without NFAC, I don't feel we would have had the same level of respect laid out throughout the work for those who have gone. NFAC members have drawn from deep within themselves to share and fight for change for generations to come. My hope for the National Inquiry is that we the families, survivors and victims can all find healing, but it must start with change.

## Jeremiah Bosse, widower of Daleen Bosse

At first, my thoughts about a National Inquiry were, "Will this actually work or help?" Doubt wandered around my brain, knowing how many First Nations issues have been swept under the rug.

I now hope this National Inquiry touches the hearts of the people of Canada, helping non-Indigenous people understand the need for reconciliation.

Today I feel hopeful for the first time that as victims of violence our words will be heard. The words of our lost ones are spoken! We will be there to represent them; they may be lost, but they are not forgotten!

## Myrna LaPlante

Our LaPlante/Osmond family began our journey as family members of missing and murdered Indigenous women and girls in September 2007, and we have since been involved in a number of activities in Saskatchewan and nationally.

In February 2017, I was invited to a family members meeting in Acton, Ontario. There began my journey as a National Family Advisory Circle (NFAC) member. It was truly an honour to serve as a member on this committee alongside other family members who are seeking justice. My goal was to bring knowledge and expertise also from the volunteer MMIWG work that we do in Saskatchewan.

The National Inquiry has provided the opportunity for our family to tell our story about missing Aunt Emily to the Commissioners and a national and international audience. This also provided the opportunity to offer recommendations on the topic of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people.

The sudden and unexpected loss of loved ones in a family dramatically shifts family dynamics, and that presents a new way of interactions within family and with external entities – for example, with work and extended relationships, friends, and social and other activities. There is a lot of sadness; our family tends to be more subdued, and immediate family gatherings change. We learn to cope with this ambiguous loss rather than heal. The National Inquiry has provided me with an opportunity to learn new skills and to engage in true healing through the aftercare funding via an Edu-Therapy Grief Resolution certification.

We trust that the truth is reflected within the *Final Report*, that it is evaluated, and that it is compiled in a way that is respectful of families. We trust that the recommendations that will stem from all of the testimony and family stories, and that there will be swift implementation by governments. We also trust that there will be ongoing supports for families who have suffered great losses.

The love and support of our NFAC family has been tremendous for me. For that, I am thankful. We know that we are in the same boat as many families and we are not alone.

## Melanie Morrison

I've been fighting for years to have change, and one of the focuses of Native Women's Association of Canada was to have an inquiry into missing and murdered Indigenous women and girls.

We wanted the concerns about our experiences and our files to be heard. It was important to our family that change happens. I saw it as an opportunity to expand our families' cry out for change to police protocols on Indigenous missing and murdered women's and girls' cases.

My sister went missing June 18, 2006. My mother did an initial search by talking to all of my sisters' friends and people who usually knew where she was. It was unlike my sister to not come home because she was a young mother. She told my mother she was coming home early that night. When my mom went to the police, she was met with the stereotype that because she was only 24, she was probably just out with friends and would show up. Unfortunately, my sister's remains were found four years later. It was devastating because where she was found was less than a kilometre from her home. Local police were in charge up to that point. Then, after follow-up with the case, it was handed over to the Sûreté du Québec and the file remains active. My niece was left to be raised without a mother. My daughter and I were very close to my sister, and my youngest never got to know her aunt. My mother hasn't recovered from the loss. My father passed in 2015. He passed without answers. She was very outspoken and a ball of energy. When her life was taken, the light fizzled and things are not the same.

Being part of the National Family Advisory Circle is healing in the prospect of having real change. It's another ray of light that I hope will burn. The way our women's files are treated is wrong, and my hope is that our reality won't be someone else's reality. These women and girls were important. They never got to fulfill their purpose because someone was able to take their life. I would love for all Canadians to think of our women as important because they were important to us. When this happened to my sister, she was in a good place. She had just finished an entrepreneurial course and she had a dream to build a house for her and her daughter. It was painful because she was doing all these great things and then this happens.

My hope would be that there is an immediate change of how the police handle Indigenous files on- or off-reserve so there's no delay in pursuing every possible option to find that missing or murdered loved one. There was such a divide in my personal experience. On-reserve, my sister's case wasn't considered important, and off-reserve, people didn't think they had to be responsive. If the local police and off-reserve police had communicated with each other, we could maybe have had closure.

## Darlene Osborne

Tansi, Kitatamiskatinawow, I am a member of the National Family Advisory Circle and have attended five hearings across the country in Winnipeg, Regina, Saskatoon, Calgary, and Quebec City. My husband, John, often attended with me as my support.

For John and I, there was truth in the words and tears of the families who shared their stories and experiences about their loved ones. While this National Inquiry represents a start, there is so much more to do. The limitation of the process, and its structure, could not shine enough light on so many dimensions of truth we had hoped the Inquiry's noble mandate would illuminate. In the end, we as family members, because of the Inquiry, are able to stand strong together and united in the singular message that there cannot be any more violence against women and we must find a way as a nation to end these shameful and preventable deaths and murders.

There are many solutions that were offered by families and by survivors. While the National Inquiry's mandate was limited to Indigenous women and girls, we heard from many other families who lost Indigenous men and non-Indigenous women; families who felt their grief and loss but who did not have a voice or a way to contribute to the National Inquiry. Their stories need to be heard, too.

We also feel there is a need to further investigate policing in this country; we are concerned that the truth around how police departments treated the investigations of our loved ones at the time will be lacking. We need this information to truly tackle the problems; to make changes so that our women and children do not go missing or, if they do, these crimes no longer go unpunished.

We realize that as we seek the truth, we must also focus on healing. Healing needs to happen to address violence that still occurs today. Our community of Norway House Cree Nation has many members who have lost loved ones to senseless violence. We need true healing centres where there is long-term aftercare, particularly for the children of the murdered and missing women. Many of these children are now young teens and adults. They are lost and angry for what has been stolen from them. A healing centre would recognize the lasting legacy these crimes have had on our community; a healing centre would also allow our community to offer a place to heal that addresses each family member's needs.

We are honoured that we could be part of the National Family Advisory Circle. We hope our words and reflections are taken in the spirit with which we intend: a sincere desire for change, rooted in an honest reflection on the achievements and failings of this process, and on the difficult task of finding truths and answers that end the loss of our sisters', mothers', and daughters' lives. The losses of our loved ones have profoundly affected those of us who were there when our loved ones went missing – and who are still here now, looking for answers. We demand more from this nation called Canada.

## Pamela Fillier

My daughter Hilary went missing on September 15, 2009. When I went to the police, they assumed she was out partying and did not look for her. My community ended up looking for her. We called the media and when the media got involved and it blew up on television, the police started looking for her. When my daughter was found, it was discovered that her first cousin had murdered her. He had previously been to jail for raping the mother of his children. He was let out of jail even though his file said he was at a high risk of reoffending, and now I don't have my little girl.

The National Inquiry has been a healing process for me. I felt very alone, but when I go to the hearings and to meetings with NFAC, I don't feel so alone. The person next to you knows how you feel because they've been there in a sense. No two stories are the same, but there is always something that is the same that you can identify with. I will stay in contact with these women because they really feel like my family.

My hope for the *Final Report* is that it will raise awareness about how much racism still exists in Canada. I also hope for tougher laws for rapists, pedophiles, and murderers. My daughter's murderer received a sentence of 25 years in prison, but after 13 years he will qualify for day passes. He was also previously charged in a number of violent cases. I fear for the safety of women and girls in his community because he showed no remorse for what he did to my daughter and I fear he will reoffend.

Something else I would like to see come of the *Final Report* would be more safe spaces for children. My dream would be to create Hilary House, a safe haven where children from the community could play or have a place to stay the night. I would like for it to include an arcade room and a dance floor. There are no existing houses of this kind on reserves and I believe that it would be a wonderful initiative to keep our kids safe.

## Priscilla Simard

Verna Mae Simard-Shabaquay was born to Charles and Tina Simard in Red Lake, Ontario. Together they raised their children Cecil, Verna, and Mitchel. She was born into a warm and loving family. As a child, she was happy, kind, and full of spirit. Her father affectionately called her Fawn for her gentle nature. Her mother died when Verna was a very young age. Her father was grief-stricken. Children's Aid Society (CAS) took the children and placed them in a Mennonite home in Red Lake. They were placed in foster homes where physical and sexual abuse occurred.

Verna married, but it did not last long. She raised her children, but they were taken into CAS. To compound that loss, her oldest son died. Verna became a grandmother, and Verna doted, cared for, loved, and lived for her granddaughter. Verna's life was difficult and tragic, as she was unable to deal with her traumatic history, the grief and loss of her mother, the tragic death of her father, the loss of her brother, and the loss of her oldest son. We believe these factors contributed to her high-risk lifestyle: alcohol/drug addiction, multiple partners, and intimate partner violence, which resulted in her death.

Verna had allegedly fallen from a sixth-floor window of Vancouver's Regent Hotel on Hastings Street. The circumstances surrounding her death remain suspicious, unsolved but ruled "no foul play" by Vancouver City Police. This case can be reopened pending any new information brought forward by any person. We, as a family, believe the intimate partner violence contributed to her death. We believe she was thrown out of the window.

At the National Inquiry into Missing and Murdered Indigenous Women and Girls hearing in Thunder Bay, Ontario, December 2017, the family put forward several recommendations for change, including on issues such as the investigative process of the Vancouver City Police, police reports, coroners' reports, police response and protocols, credible witnesses, and a preponderance of evidence based on environment. As well, the family had specific recommendations on child welfare, domestic violence, intimate partner violence resulting in death, and the need for holistic healing strategies.

We honour the memory of Verna and seek justice. We look to the National Inquiry to advocate for and advance the recommendations for women like Verna. These recommendations cannot be downplayed, ignored, or shelved. When the recommendations are implemented, we avert suffering, justice can be served, and her spirit can rest!

Miigwech!

## Sylvia Murphy

I am honoured to be part of this mission for justice. I have obtained so much knowledge and direction from the National Inquiry. The hard work and dedication of the Commissioners and National Inquiry staff, the strength and dedication of witnesses and survivors, who offered testimony – all have impacted my own journey in important ways.

Intergenerational trauma has been the outcome of my mother's life, my own life, my daughters' lives and my grandkids' lives. If things would be the way that they should be, our family would have not had to live through this. Our journey, filled with trauma, was caused by my father's death that left my mother, at 28 years of age, with eight children to support. My own journey in care, first in an orphanage and then in foster homes, left me with deep feelings of rejection, loss, and alienation within an often cruel world.

The struggles have not been without successes, though. My youngest daughter will soon celebrate two years of sobriety and of living clean from drugs and alcohol. During this time she has worked to complete grade 12 and has started college to be an Addiction Support Worker. She is working to heal, one day at a time.

I have lived my journey, which has not been an easy one. With the Creator's guidance, I have transformed into the person I am today. My grandchildren are living in this world with the help and love from their mothers and me. As their Grandma, I have tried with the best of my knowledge to direct my daughters with help from programs we will get on our journey of healing and love.

Respect, love and patience are very important for a better life for all. Key to these values include all the members of our communities, including Grandmothers, who are Knowledge Keepers full of wisdom and knowledge, who give guidance to all in need at any time. Men and boys are important as well; they need programs and support to be fathers of future generations. Improvements in programs to help men and boys recognize their importance in protecting the women and girls in this world.

While I have many hopes for the future, the most important thing, for me, is to make sure that a program is put in place so children in care receive direction and support, to ensure their survival and the survival of future generations.

The Creator is making us all strong. I pray every day that justice will come.

## Barb Manitowabi

The support of my family (Shailla, Michael and Jacob) was what helped me participate in the Truth-Gathering Process and contribute as a National Family Advisory Circle member. For us, this was a step we took together in our healing from past traumas and abuse and to gain a sense of justice and validation; to gain a better understanding about the oppression facing our people.

My family's experience reflects many of the themes that other families shared, including the intergenerational trauma, racism, abuse; ongoing economic and social challenges; the issue of lateral violence; our deep mistrust in the institutions of Canada to protect and take care of us; and in large part, how systems have failed in protecting and helping my family when we needed it most. Retraumatizing, revictimizing and setting us up for more poverty and even more violence. This was an opportunity to give a voice to the grief, pain and rage that we, as a family, were unable to let go of otherwise.

After this journey we are closer and stronger as a family; for this, I am grateful.

This process has changed me forever. For two years we went to the darkest places where the pain and hurt still lives. The National Inquiry has uncovered failure after failure in protecting the lives and rights of Indigenous women, girls, and 2SLGBTQQIA people. It is a system that, at its core, aims to destroy and pull families apart. Our reality is that we are watching the slow, painful destruction of Indigenous Peoples. Canada has built a system of rules and laws stemming from greed, racism, and hate; this system continues to devour our families today. Canadians cannot deny the facts, as ugly as they may seem: this is genocide.

From my experience being in NFAC and working with the Commissioners, I am in absolute awe at the dignity, strength, beauty, courage, and perseverance our NFAC group has shown over the past two years. Through all the bad media, political posturing, on top of the stress of testifying and hearings, we stayed committed to our mission: ensuring that the truth be heard.

We all had moments of wanting to quit when things got too painful. In these moments of doubt we tried to stay focused and remind each other why we were doing this – and for whom. We are doing this for the sons and daughters of future generations, and it is only by sharing and knowing the truth that healing can begin. I'm proud to be standing with other survivors and family members knowing we did all we could to help the next generation of survivors and warriors.

I am grateful to NFAC and to the Commissioners for hearing and supporting my family. I would also like to say Gchi Miigwetch (big thank you) to family, friends and Elders who supported us through many storms along the way and helped me personally to stay focused on my commitment. Rebekka Ingram, Thohohente Kim Weaver, Maura Tynes, Gladys Radek, Lorna Brown, Ron Zink; I hold you in my heart always and forever. Shailla, Michael, Jacob, I love you.



## Lesa Semmler

When the National Inquiry started and I was asked to be part of the National Family Advisory Circle, I had never been on MMIWG walks or been to rallies.

I had never identified with MMIWG even though my mother was murdered by her common-law partner when I was eight years old. I didn't think she fit the category because she had not gone missing first. When I attended the pre-inquiry meeting in Yellowknife in 2016, it lit a fire inside of me because I realized that I could use my voice to make change. During the first NFAC member meeting there was a lot of talk about the issues First Nations are facing and talk of chiefs and reserves. The other Inuit NFAC members and I explained that we are Inuit and that our issues are different, and we deal with them differently. We live in an isolated part of the world and our women are dealing with a lot of family violence. I wanted to ensure people in our region had a voice and that their concerns were represented in this national process.

It has been a healing journey to talk about what happened to my mother at the National Inquiry into MMIWG so I can deal with it. It has been healing for me to tell my mother's story. Other people who have identified with my experience decided to start talking about what happened to them, too. Sharing our Truth was important for me and for my grandmother who never talked about it before. After we shared, she felt relieved because she finally had the chance to say what she wanted to say. She also realized so many other people have had similar experiences.

My hope for the *Final Report* is that there will be good recommendations for the northern territories to ensure the safety of children, women and men in the North. We need programs and support for families that are culturally relevant. Western ways do not work for Inuit women because they are not heard the way they want to be heard. I hope that the recommendations are written in a way that will be easily adopted by the provinces and territories and that they will initiate action. I hope that all people in Canada will sit down and read everything that has been done to Indigenous people before they just say it's our own fault. Without a shift in that thinking, nothing is going to change.

## Pauline Muskego

The day I received a call from Commissioner Michelle Audette to ask if I would consider sitting as a member of the National Family Advisory Circle (NFAC) for the National Inquiry into Missing and Murdered Indigenous Women and Girls (NIMMIWG) is a day I will never forget.

I recall the emotions I felt knowing that I would be honouring the memory of all MMIWG across this land. My late daughter, Daleen Kay Bosse (Muskego) was one of the thousands who had gone missing and was later found murdered. It was because of what we went through as a family and what all families have gone through and continue to go through that I said yes, that it would be an honour. My family was greatly impacted by our loss. Being able to tell our truth was a way for us to heal from the pain we went through; however, it is a life-long healing journey for a lot of the family members.

As a member of NFAC, these past few years have been challenging yet rewarding, knowing that a National Inquiry of this magnitude and scope was able to accomplish what it did in the short time it was given. The NIMMIWG is now in its final stages of completion and if it wasn't for the Commissioners and staff who stood strong and pushed forward despite all the opposition, challenges, and obstacles, this National Inquiry would not have happened. For this I am thankful.

I close by saying, thank you.... It was an honour to sit as a member of NFAC.

*“My Loved One Is Forever In My Heart”*

## Toni Blanchard

I decided to become involved in NFAC to have a voice for our Northern area and help make sure something is done.

Being a part of the NFAC group helps with my healing and makes me stronger.

I want people to know that my sister, who was murdered in 2008 in Whitehorse, Yukon, had a face. She was a daughter, mother, sister, auntie, granddaughter, and was very loved. She left behind three beautiful children, who loved her very much. It is a hard journey to be able to talk openly about what happened. I always end up crying and hating, when I shouldn't be. All MMIWG2S have people who care and love them so very much.

I hope the National Inquiry leaves as its legacy a beginning of decolonization, and that all governments implement all Calls for Justice.

## Norma Jacobs

Guyohkohnyo Cayuga Nation of the Haudenosaunee (Iroquois) Confederacy

Haudenosaunee people, like other Indigenous Peoples, are so used to struggling. We are prisoners in our own lands, struggling with the traumas inflicted on us with the arrival of settler people in our homelands, this great continent of North America, or, as the Original Peoples call it, “Turtle Island.”

Through these struggles, we try to protect our “Mother, the Earth.” We do this to provide for and leave something great for future generations, or as we say, our “coming faces yet unborn.”

Long ago, the Onkwehón:we, or Original Peoples, were given a sacred bundle made up of our songs, languages, families, ceremonies, and everything else that supports our way of life. But our people were beaten, enslaved and punished for using our language, coerced into giving up land, ridiculed for our way of life and labelled negatively, violating our sacred boundaries of space and time.

Even after we became aware of our own history, we dared not talk about it for fear of further punishment, or even for fear of losing something we kept safe in our own minds. If we saw someone violating our values and principles, not being accountable, we still did not speak up. We learned to keep quiet and stick with the status quo, don’t talk, don’t feel.

Now! We are breaking that bond and speaking about our truths, even as we are surrounded by our abusers and violators of our sacredness. It is possible to rebuild and restructure and restore our ceremonies and languages. It is our blood memory.

Our Creation started with prayer and ceremony, guided by a sacred council. The Grand Council of the Haudenosaunee Confederacy provided us with our bundles of values and principles so we may experience this human journey with dignity and integrity.

Over 400 years ago, the Original Peoples made the first Treaty with European settlers, called the Two Row Wampum Treaty. The Two Row Treaty was about each people respecting each other’s sacred boundaries. Every Treaty was made with good intentions, respect, compassion and love.

Today, all of our demands are about respecting our values and principles. Settlers should respect Turtle Island from our perspective, as visitors in our homes. We have to speak out and instill responsibility and accountability in each and every living person.

It takes so much time to heal our wounds and scars and transform oneself because of the status quo. We have to heal not only ourselves, but also the trauma of our ancestors over generations. But until we can move away from the status quo, break the cycle and gather our strength, we will continue to have negative and hurtful relationships in this world and in our lives. By transforming ourselves we can stop this cycle and instill within those coming faces yet unborn the values and beliefs that will enhance our attitudes and behaviours for a more balanced future.

## Our Values and Principles

Adenidao shra:	Compassion and Kindness
Dewadadrihwa noh Kwa:k:	Respecting One Another
Degayenawako:ngye:	Working Together
Dewagagenawako:ngye:	Assisting One Another
Esadatgehs:	Self-Reflection on Actions
Gaihwaedagoh:	Taking Responsibility
Gasgya:nyok:	Encouragement
Gasasdenhshra:	Strength & Supporting One Another
Drihwawaihsyo:	Honest Moral Conduct
Oihwadogehsra:	Being Truthful and Consistent
Sgeno:	Peaceful Thoughts and Actions
Ongwadeni:deo:	“Taking Care of Our Own”

## Rebecca Moore

I am an l'nu woman who was born and raised in the Kjipuktuk district of Mi'kma'ki (so-called Halifax, Nova Scotia).

As an l'nu woman, I have been taught by my Elders that it is our inherent duty, as l'nu women, to take care of the water and to protect the water for the future seven generations. I feel that this is imperative for Canadians to understand. I take my inherent duty very seriously, which requires much of my time, effort, care, and attention.

Our inherent duty and responsibilities as an l'nu woman places us as a direct target for violence, harassment, police violence, misinformation by mainstream Canadians, criminalization, and incarceration. You see, it is not only Indigenous women who are living “at-risk” lifestyles or are on the streets who are being targeted, it is Indigenous women as a whole. Because non-Indigenous society benefits from settler-colonialism.

Being an Indigenous woman means living under a society and “civilization” that benefits from your voicelessness, invisibility, disappearance, non-existence, and erasure. Because if we don't exist, then Canadians – while claiming to live an earnest and honest living – are free to steal and exploit what is rightfully ours by loosening the “Rule of Law” for themselves and tightening it to extinguish our existence and resistance.

Indigenous matriarchs – being the life-givers, grandmothers, clan mothers, and steering decision makers – are not affirmed or recognized by the colonial courts and systems for their significant place in Indigenous societies.

The Canadian government strips Indigenous women of their rightful place within Indigenous societies and the outside world. By imposing their colonial structures, Canada removes the decision-making power from the women and displaces it to corrupt government departments, agencies, and service providers, etc.

Being l'nu in theory isn't illegal, but in practice, living in action as one is. We have Treaty rights under the Peace and Friendship Treaty, but good luck asserting them because the government is going to tell you, “No, you can't do that.” When it comes to hunting, fishing, or “earning a moderate livelihood” with our own initiatives, we, as individual inherent rights holders and descendants of the land itself, are treated by the state as criminals.

The Canadian government prevents Indigenous women and their families from having the autonomy to earn a moderate livelihood and achieve their own safety and security. Until Indigenous women are given the power and authority to self-determine what happens within their own territories, we will always be at risk under Canada's “Rule of Law.”

## Lorraine Clements

I woke this morning to a soft but inviting snow covered mountain,  
 A mountain of my childhood  
 A mountain I returned to this week to move forward speak my truth and  
 continue the healing within  
 A mountain of pain  
 A mountain of learning  
 A mountain of Hope.  
 My mountain has been a hard one to climb,  
 In my time have never reached the top.  
 Now with this day, my day of truth telling,  
 My mountain is not too high.  
 My mountain seems easier to climb.  
 My mountain now has hope.  
 My climb is just the beginning as with  
 many others this week.  
 Our mountain will be conquered.  
 With love, kindness and always together,  
 fighting the systems for Justice.



*Photo submitted by Lorraine Clements; no copyright infringement intended.*





## Our Women and Girls Are Sacred: Reflections from the National Inquiry Elders and Grandmothers Circle

### Introduction

Early on in the National Inquiry process, the Commissioners' Elder Advisors, or "Grandmothers," gathered in a sweatlodge in Quebec. They went into this ceremony asking themselves, what should the National Inquiry into Missing and Murdered Indigenous Women and Girls look like? What is the best way to do this work?

The sweatlodge was part of the Missinak Community Home, a safe house in Quebec City co-founded by Elder Pénélope Guay, Commissioner Audette's spiritual grandmother. As Pénélope shares, "We all got together there. And we came up with a plan, in our own way. We came up with a plan to see how the National Inquiry would proceed. For the Grandmothers [and Elders], for the Commissioners. What will our work be? That's how it went. We decided on everything you see. Our role, our involvement. That was when we decided on how it would all be done."<sup>1</sup>





*Members of the Elders and Grandmothers Circle. Left to right: Leslie Spillett, Laureen “Blu” Waters, Audrey Siegl, Louise Hauilli, and Bernie Williams. Not pictured: Kathy Louis and Pénélope Guay.*

Elder Laureen “Blu” Waters, Grandmother to Commissioner Brian Eyolfson, was there as well: “When we came out of that sweat, one of the most important and profound things that came to being was that we needed to have something that showed our Indigeneity and that blanket idea came out of that. Those blankets that are hung up around the rooms [at the hearings]. Those blankets that identify people, identify their Nations, their names, their land masses, the things that they used for their cultures.... That was one of the most important things that I remember, is doing that sweat and coming out with that idea. And, that helped shape us and to make sure that we never forget about ceremony, to incorporate ceremony into everything that we do.”<sup>2</sup>

Ceremony, whatever it looks like, is deeply rooted in a people’s cultural identity. Incorporating ceremony into such a legal structure as a public inquiry is a way of reminding Indigenous families and survivors that this National Inquiry is to honour the sacred in them and in their lost loved ones. As a National Inquiry, we have faced criticism for a seemingly rigid and legalistic structure. Yet, within the limitations of our mandate, these words from the Grandmothers who have led us through the process remind us of the National Inquiry’s guiding principle: that our women, girls, and 2SLGBTQQIA people are sacred.

To honour their work, the National Inquiry asked the National Inquiry Elders and Grandmothers to sit down with the Research team, to include their reflections of this journey in the *Final Report*.<sup>3</sup> This is one small way to acknowledge their incredible contributions, which often happen behind the scenes, as well as the work of mothers, grandmothers, aunts and caregivers guiding similar work across this land.

### **The National Inquiry Elders and Grandmothers Circle**

The idea for an Elders or Grandmothers Circle first started in the fall of 2016. The Commissioners decided to each seek an Elder from their community to provide them with advice. Blu recalls that when Commissioner Eyolfson first offered tobacco to Blu, he explained that “he needed

somebody to be there as support for him, to help him with this important work that's being done and to make sure that we incorporate spirituality."<sup>4</sup>

The Commissioners decided to use the term “Grandmother” to represent the closer, kinship relationship that was developing between themselves and their Elders. While not all the Elders are biological grandmothers, they fill those traditional roles.

The current members of the Elders and Grandmothers Circle are: Pénélope Guay, French-speaking Innu Grandmother to Commissioner Audette; Louise Haulli, Inuk Elder to Commissioner Robinson; Kathy Louis, Cree Elder to Chief Commissioner Buller; Laureen “Blu” Waters, Cree/Métis/Mi'kmaw Grandmother to Commissioner Eyolfson; and Bernie Williams, English-speaking Haida/Nuu-chah-nulth/Coast Salish Grandmother to Commissioner Audette. Leslie Spillett, Cree/Métis Grandmother to Executive Director Jennifer Rattray, joined the National Inquiry in the spring of 2018, and Audrey Siegl, Bernie's niece and a member of the National Inquiry's health support team, also supports the Elders and Grandmothers Circle.

As Indigenous women who are survivors and family members themselves, the Elders and Grandmothers are witnesses to the many ways Indigenous women and 2SLGBTQIA people have been devalued and dehumanized, making them prime targets for violence. Working with the National Inquiry has given the Grandmothers another way to do the same work they were already doing, but in a new way. Each of the Commissioners' Grandmothers bring deep community knowledge and practical expertise to their roles.

Grandmother Pénélope is a proud Innu woman from Mashteuiatsh in Quebec, who strongly believes in the power of reconnecting with your culture to heal the wounds of history. Her Innu mother was deprived of her First Nations status when she married a métis man, as stipulated by the *Indian Act*. As an adult, Pénélope has had to recover her culture through healing and reclaim her identity as an Indigenous woman.

Pénélope co-founded the Missinak Community Home (la Maison Communautaire Missinak), a safe house for Indigenous women in Quebec City, with her daughter 20 years ago. There she sees many young women who are deeply affected by the trauma of residential schools, as well as by substance use and homelessness, the consequences of residential schools today. With nowhere to go, many of them end up being exploited on the streets. However, Pénélope also gets to witness what she calls “miracles”<sup>5</sup> – the extraordinary change that can happen when you give people time and space to heal.

Elder Louise lives in Igloolik, Nunavut, a small community of less than 2,000 people. Much of Louise's work in the past has been focused on strengthening Inuit traditional values and making Inuit knowledge and skills more accessible to the Nunavut government. She has worked as the Inuit Societal Value Project Coordinator for Igloolik, where she offered traditional Inuit counselling and did radio shows on Inuit family values. She worked on community wellness projects for Igloolik and Nunavut, and was a Nunavut Human Rights Tribunal member from 2004 to 2013. She was also an Inuktitut language specialist in elementary schools and visits Elders in Igloolik to make sure they get some help around the house.

Louise shares that violence is a significant issue in the Arctic, just as it is for so many First Nations and Métis communities, although the culture of silence is even stronger: “For those of us living in the Arctic, we have experienced this, but we are less vocal... Indeed, Inuit too have gone through exactly the same experience of mistreatment.”<sup>6</sup> She emphasizes how much she has learned from hearing the stories of so many other Indigenous women in Canada, and how important it is not to feel that we know it all, but to really pause, listen to the families and survivors, and learn from what they have to share.

Elder Kathy says: “My name is Kathy Louis. My views as an Elder from Samson Cree Nation are mine and those of my Ancestors who were Leaders and Healers. Growing up on the reserve was a lived experience throughout my life.” She was raised by parents and ancestors steeped in strong traditional values. She is a residential school survivor and has spent her life helping her people heal, especially men and women involved in the criminal justice system. Kathy was the Pacific Regional Vice-Chair of the National Parole Board, where she served for many years, and successfully helped introduce Elder-assisted parole hearings in Canada along with two male First Nations Elders. She has also been awarded Canada’s Meritorious Service Medal and the Order of British Columbia. In her work, Kathy saw many women who had acted violently in their lives, but: “I observed that as the way they may have been treated as children and young adults growing up, and this was their lived experience in adult relationships. All this stems from racism, oppression and colonization.”<sup>7</sup>

When she isn’t working with the National Inquiry, Kathy volunteers with several urban Aboriginal organizations in Vancouver. In particular, she is working on the development of an Aboriginal Family Healing Court Conference project. This is an Elder-driven project that focuses on helping families involved with the child welfare system develop healing plans, to re-connect with their own Indigenous cultural values and keep families together.

Grandmother Leslie (or Giizhigooweyaabikwe, Painted Sky Woman, White Bear Clan) is a Cree/Métis woman from northern Manitoba. She began her career as a journalist and photographer before dedicating herself to what some people call “community development,” but she calls Nation-building.

Leslie was one of the principle founders of Mother of Red Nations Women’s Council of Manitoba, sat on the Native Women’s Association of Canada Board of Directors, and is the founder of Ka Ni Kanichihk, a Winnipeg organization that provides Indigenous-led programming, including for family members of missing and murdered women, girls, and 2SLGBTQIA people. Leslie, who has been raising awareness on this issue since the early 2000s, says: “One of the most extreme forms of the colonial project has been about violence against Indigenous women and girls. So that includes all kinds of violence, including state violence and discrimination, which has caused so much trauma. And at its most extreme is, of course, the missing and murdered women who just have been murdered because they were Indigenous, or who have disappeared, again, because they were Indigenous.”<sup>8</sup>

Grandmother Blu (or Istchii Nikamoon, meaning Earth Song) is a Two-Spirit Cree, Mi'kmaw and Métis community Elder working in the Toronto area. She is Wolf Clan, and her family is from Big River Saskatchewan, Star Blanket Reserve and Bra'dor Lake, Eskasoni First Nations, Nova Scotia. She currently works at Seneca College as an Elder on campus providing traditional teachings and one-to-one counselling to the students and faculty.

Blu was first raised by her Kokum (grandmother), learning traditional medicines and hunting geese, rabbits, ducks and muskrats in Toronto's High Park. At age 10, she was adopted into a white family. While she later sought out those Indigenous connections again, it caused a lot of pain in her life. Blu sees many other people going through this, too: "For a lot of Indigenous Peoples, they lose those connections and they're lost. They're wandering around lost, but knowing that there's a big piece of them inside that's missing."<sup>9</sup>

Grandmother Bernie (or Gul Giit Jaad, Golden Spruce Woman, of Raven Clan), is a Haida master carver, artist and activist. She is also a survivor and family member who has spent her life advocating for Indigenous women, particularly in Vancouver's Downtown Eastside (DTES).

Bernie's first love was her art, and she apprenticed under world-renown Haida carver Bill Reid, the only female apprentice he has ever had. Bernie's work is recognized around the world, and one of her proudest achievements was creating a traditional Haida button blanket for the first Indigenous woman to receive the Nobel Peace Prize. Through all the different kinds of violence she survived, art and music were the things that provided safety for her. Her art today is her biggest passion after her children and grandchildren.

However, she also answered her Elders' call to advocate for her people. She first joined the Red Power in 1974 and was mentored by other Indigenous Elders – "power house" women like Harriet Nahanee, Kitty Sparrow, Reta Blind, Viola Thomas, Carol Martin, Mary McCaskill, Noddy Bernice Brown, and Phillipa Ryan – who taught her who she really was and how she was connected to the land. She continues this work with other women on the front-lines of the Downtown Eastside, with no funding, simply going wherever she's called into the early hours of the morning. As Bernie says, "All I ever wanted to do was to bring the truth out – because I am a survivor of sexual abuse, domestic violence, Sixties Scoop, Indian day school, residential school, and all I wanted was, you know, the truth to come out. That women like me, you know, who have lost family members, like my mother and my three sisters... And then to hear, you know, the stories all across Canada, that we had, like, a common thread together in that, eh? And, it was the mismanaging of so many of our loved ones all across Canada."<sup>10</sup>

Audrey Siegl (or sɣʰɛmtəna:t, St'agid Jaad) is "Musqueam all the way back to the first sunrise,"<sup>11</sup> with Haida connections through Bernie. She is one of the National Inquiry's traditional medicine carriers. In this role, she travels to almost all of the National Inquiry's public events to support people as they need it.

Audrey is also a survivor and family member, who came to this work through activism: “A lot of people say we ‘protest’ ... I protest nothing. *I protect*. Big difference. What I stand for is as important as ... what stands against me.”<sup>12</sup> Later on, she adds, “I do the work I do because of all the women who came before me who could not.”<sup>13</sup>

### Leading with the Grandmothers’ Perspectives

The Grandmothers’ role at the National Inquiry has always been flexible, and has evolved over time.

Louise, Commissioner Robinson’s Grandmother, started her work with the National Inquiry with the intention of sitting by the Commissioner and being an Elder for her support.<sup>14</sup>

Pénélope similarly explains: “We have a role that is quite important, because we support the Commissioners in their work to ensure that the vision for each approach respects the spiritual values of our people. We’re always there from the start to the end ... if we’re needed for information, or for our thoughts, or to ask us questions. We’re always listening. We Grandmothers follow along during the National Inquiry, and we meet to talk about how it went. What can be improved? What can be done? We also meet over Skype to come together and prepare for the next event.”<sup>15</sup>

At the Grandmothers’ direction, the National Inquiry did its best to incorporate the local traditions and cultures into its hearings wherever possible. As Blu explains, “Each Nation has its own ceremonies that have sustained them over the beginning of time and they’re all valuable. None is greater than the other.”<sup>16</sup> This included the way the rooms were arranged and the opportunity for families to access both Indigenous and Western healing supports.

One of the consistent reminders of Indigenous women’s power and place was the bundle of sacred objects that traveled with the National Inquiry from hearing to hearing. The National Inquiry’s bundle started with a red willow basket, a qulliq (an Inuit women’s oil lamp), a copper cup with water, a smudge bowl and various medicines. We added to this bundle with each hearing as people gifted us a Red River cart, a birch bark biting, sealskin, photos, songs, feathers, stones, and many more medicines. Pénélope explained that: “We bring our sacred objects, like our eagle feathers. All these objects, that’s our path, it’s our way of doing things.... It’s like our way of giving thanks. Thanking the Creator a bit for the work that we have done too.”<sup>17</sup>

As Pénélope points out, making spirituality so visible in the National Inquiry is one of the things that makes it unique: “That’s still important. It’s an inquiry, there are Commissioners. Witnesses, lawyers. Putting spirituality at the centre of this National Inquiry allows us to work in a calmer atmosphere, rooted in cultural values that are thousands of years old.”<sup>18</sup>

Incorporating Indigenous ways of doing things has been critical to making the process of the Inquiry, and not just the recommendations or the *Final Report*, as healing and as decolonizing as possible.

The Grandmothers also used their strengths differently within the National Inquiry.

Blu describes her role, particularly at the hearings, as one that encompassed many different aspects: “We can be sitting in the back talking with a family member who is having a hard time, or we can be sitting up at the front supporting the Commissioners and having them know that we’re standing there with them, we’re there to watch them, we’re there to pray for them, we’re there to make sure that the Creator is helping them, to hear the words that are being spoken and to understand what they’re hearing.... Or the next day, we may be, you know, sitting with a person who has just come in off the street and is having a breakdown because they hear their life story being told, right? The same thing has happened to them and they’ve had no supports.”<sup>19</sup>

Bernie is not an Elder – her role in life is as a land defender and peacekeeper – but she takes her role as a Grandmother at the National Inquiry very seriously. Her most important focus is on supporting the families and survivors. She says it comes down to being a humble servant, lending a hand, and making sure the families, the Commissioners, the staff and everyone else are okay.

The Grandmothers emphasized that while they were originally asked to guide the Commissioners, they worked with the entire National Inquiry community. Blu says, “We support the different members of the Commission itself, so the cameramen, the security teams, you know, the Parties with Standing, the health workers, the Registrar. You know, all the community members that make up this National Inquiry, we’re here for every one of them, none of them has a greater role than the other.”<sup>20</sup>

As part of the health team, Audrey brought comfort and healing to people using traditional medicines. She says that the number one medicine she brings is love. Number two is patience, and number three is space: “My granny taught me that you have to be able to do what you do with only you. It’s good if you have the medicines, the actual medicines there, but if you can’t do – if you can’t work on someone, if you can’t work with someone with nothing, with just you, that’s not good.”<sup>21</sup>

Audrey explains some of the tools she uses: “I have an eagle fan, I have an owl fan. We have different kinds of sage, we have beautiful tobaccos, we have copal. We have medicines that have been gifted from all across Canada, north to south.... Everyone who comes in here and brings medicine, it is my job, and I am honoured and humbled to do it, to take care of them.”<sup>22</sup>

The National Inquiry also makes use of the Grandmothers’ expertise in specific areas—for example, Elder Kathy’s expertise with the justice system, or Bernie’s expertise on the DTES, as well as their perspectives as Quebécoise, Inuit and Two-Spirit women. Their advice in crafting the *Final Report* has helped ensure that the report will help keep women and girls safe, and won’t simply collect dust on a shelf.

### **What Does it Mean to Be “Sacred”?**

One of the most unique ways that the Grandmothers have guided the National Inquiry is by helping us understand what “sacred” looks like in everyday life and in the context of this work. What does “sacred” mean, and if women and girls are sacred, how does that affect what we do?

From the Grandmothers, we can see that the idea of women, girls, and 2SLGBTQQIA people being “sacred” is as multi-faceted as people themselves.

Elder Kathy, who is fluent in Cree (Y dialect), explains the literal meaning of “sacred”: “It’s Creator-gifting, Creator-power-gifting. You can say it in different ways and it will mean the same. It’s Creator-centred-thinking.... It’s a sacredness of life.”<sup>23</sup> After a bit more thought, she adds, “It’s ... you have the gifts that were given to you and you’re putting them to use for the good of humanity.”<sup>24</sup>

Grandmother Blu echoes this idea: “For me, one of the lessons I learned was that in Creation, the Creator made us and we’re all gifts. We carry gifts within ourselves and each one of us has our own unique gifts. But, together as communities, when we share those gifts, we’re very rich. It’s more valuable than any monetary means can be, because we know, and we can understand, and we can help each other, and we can take care of each other, and support and know what the right things are to do.”<sup>25</sup>

For Blu, one of her gifts is being Two-Spirited. She describes it: “As a Two-Spirited person, I encompass both that male masculinity side and that female side. It’s a delicate balance. Some days I feel more feminine, some days I feel more masculine. But, for me, it’s a blessing. For others, they look at it as you’re a freak. You should either be man or woman, you can’t be both. I don’t know how many times I’ve heard the saying, ‘God created Adam and Eve, not Adam and Steve’ just out of ignorance. So, we have a lot of ignorances out there that we fight against every day.”<sup>26</sup>

Blu explains that it was important to include 2SLGBTQQIA (Two-Spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual) and gender-diverse people in the National Inquiry’s mandate, because they have always been part of Indigenous circles: “Our Two-Spirited people, our trans people, they’ve always been in community. They were ostracized through colonization. They were told that their lifestyles were not appropriate, that they couldn’t carry on the way they were. But, we’re still here. And, that we need to teach each other the valuable skills that we pick up along the way. We need to support each other in doing our cultural work to reclaim who we are.”<sup>27</sup>

One of the most common ways Indigenous Peoples recognize women as sacred is by bringing new life into a community. Grandmother Blu explains: “Our women are so sacred. They control everything. They are the heart of our nations, right? ... Our women are the ones who are the caregivers, they’re the ones that can bring life forward, they create that new life. Yes, they need another partner to help them do that with, but they’re the ones that carry that life.”<sup>28</sup>

However, women and 2SLGBTQQIA people are sacred in many other ways, as well, since they have many gifts to offer. As Leslie explains: “I do believe that ... we are kind of portals for life. But I don’t think that’s all we are, you know? I think we’re so much more than birthers. So I don’t want to dismiss the sacredness of women as life-givers, but ... that is so not our only role.”<sup>29</sup> She points out that everyone and every community is going to reclaim women’s responsibilities differently, and that culture evolves.

Audrey offers another way to look at it: “For our young women, for our grandmothers, for our women who travel with us, we are sacred because we exist. We are sacred because we have survived.”

In many ways, the journey to the National Inquiry started in places like Vancouver’s DTES. There isn’t anything that respects the idea that women and girls are sacred there – which is why Bernie and others working with Indigenous women in the Downtown Eastside always remind them that they are important, that they matter. Bernie says, “I walk up to them and tell them, I just want to let you know how much you are loved.... Contact your families and let them know you’re okay. That’s the message we tell them, because they feel judged a lot. That’s my front-line work, is to let them know that no matter what, we’re fighting for them. You try to give them that little ray of hope. No matter what, we’re fighting for them and we value them.”<sup>30</sup>

Grandmother Blu sums it up: “Women are the life-givers, but women are not going to be life-givers without men. So, that’s a balance in life. Our Two-Spirited people bring that balance again, of masculine and femininity. Our lives are not about our sexuality or even our gender identity, it’s about us being a human being. It’s about us following those teachings that our ancestors put in place for us, those teachings of kindness and respect, truth, honesty, humility, love, wisdom, about living those ways of life. Trying to look at each other as a valuable portion of a community, what gifts does that person have to bring to the table, so that we can become a very rich table, right?”<sup>31</sup>

When we honour our own gifts and the gifts in others, we are recognizing the sacred in all of us.

### **Understanding and Restoring Power and Place**

Based on this idea of people’s gifts being respected and fulfilled, the National Inquiry’s vision is to help Indigenous women, girls, and 2SLGBTQQIA people “reclaim their power and place.” One of the best ways to do this is to recognize the importance of Indigenous ways of knowing, doing and being. This often starts with learning, or re-learning, what those Indigenous ways are.

Grandmother Leslie shares that this approach is not often welcome when it comes to Indigenous people and organizations trying to suggest their own solutions: “Assimilation is still how the dominant culture approaches Indigenous Peoples. Somehow, we need to become them to be okay. We need to have their values. We need to have their world views. If we don’t, then there’s something psychologically wrong, deficient in us.”<sup>32</sup>

Several Grandmothers spoke about how they themselves grew up separated from their culture. Grandmother Pénélope, whose mother had internalized a lot of shame for being Indigenous, had her “wake-up call” when she first started learning the true history of Indigenous Peoples: “Today, I teach this history wherever I’m invited. It takes me at least three hours from first contact to today: what happened? What happened in residential schools? What happened with the *Indian Act*, that made women like me lose their whole identity, their pride? No, as long as the Creator grants me life, I don’t think I’ll ever stop telling this history.”<sup>33</sup>



Elder Kathy's most important Cree teachings are to love, respect, help and care for one another, and to be honest and kind with one another. She says, "The more centred you are in your life, the more you realize your true essence and purpose in life of being a strong Indigenous woman. Also I believe that, in order to live and be of help to anyone, we need to know and understand our own values. We need to know who we are. Then you can take risks to do things differently and contribute to society to bring about change. Because all of us can contribute that way. When we recognize our gifts from our Creator, anything is possible. You make it real as you continue to step forward."<sup>34</sup>

Kathy is very aware that one of the greatest losses for Indigenous Peoples today is the loss of language, culture and a sense of belonging. She witnessed first-hand how powerful restoring this sense of belonging could be in Elder-assisted parole hearings for Indigenous offenders, where she said they were "very, very receptive."<sup>35</sup> Sweat ceremonies are also important to women's healing, as well as immersion-style training for all service providers who are part of the corrections system.

Kathy also shares that the inmates were functioning better than the staff because of the incredible impact Elder involvement and ceremony was having: "Men and women came to prison, admitted they came to prison to learn about their culture. To learn anything about having to do with traditions. And yet some of the men and women ... were brought up with the traditions, but had not lived and practiced any of that."<sup>36</sup> In doing this work, she has followed the teachings – of love, compassion and forgiveness for others.

Leslie sees her work at Ka Ni Kanichihk, where all of the programs are culturally-based and Indigenous-led, as an act of sovereignty: "It was us knowing that we had our solutions and learning about how to apply those solutions in a way that really has an impact in the community."<sup>37</sup> She said it was also explicitly about reclaiming women's power: "I'm not interested in, you know, taking over men. I think that we want to restore that balance ... within our culture groups, and to show our girls and our boys that there is a place that we hold them both up, and they are equally sacred and they're equally valuable, and they are equally needed to be a part of our Nations."<sup>38</sup>

Leslie reminds us: "There is no nationhood without women and without not only women, without women playing a fundamental and equal role within that Nation. There is no nationhood without that."<sup>39</sup>

Reclaiming power and place will look different across Canada, because of the diversity of Indigenous Peoples. As Elder Louise pointed out, many plans made in the south don't work when people try to implement them with Inuit, because they didn't come from Inuit.

However, Louise also sees many cultural similarities between Inuit and First Nations in how they have responded to the hurt and trauma of colonization: "Inuit in the Arctic, and the First Nations, are all one group and we have cultural values that we can recognize within each other."<sup>40</sup>

One of the biggest challenges to reclaiming this power and place is how many women and 2SLGBTQIA people continue to be lost every day. Blu explained that "[We lose] all their

teachings. All their life lessons are lost. To learn – to be able to walk the same path that someone has already walked takes a long time. And, when those people are taken early from us or when there’s people who pass on into the spirit world, all their knowledge, their life experiences go with them.”<sup>41</sup>

Ultimately, it comes down to listening to Indigenous women, girls, and 2SLGBTQQIA people. We have to value their voices, and fight against the stereotypes and centuries of colonization that have de-valued and dismissed the many gifts they have to offer. Leslie emphasizes this: “I do believe, and I believe to this day, that there has to be an independent Indigenous women’s voice. And that doesn’t mean that we don’t play a role within our Nations or within the community. But that’s, I think, a really necessary thing at this time.”<sup>42</sup>

As Pénélope says, “It’s really important for Indigenous women to speak up. I tell myself the more they speak, the more they regain their strength. The more of us women who speak up, it’s strength. It also shows our place.”<sup>43</sup> She adds: “Taking our place also means moving forward in spite of pitfalls and prejudice. We must take our rightful place; this is the strength I wish for us. I really believe that.”<sup>44</sup>

## **How the National Inquiry is Creating Change**

The Grandmothers have seen some of the changes this National Inquiry is already making, for themselves and their communities, as well had to deal with its biggest challenges.

Louise reflects on how much work is still left to be done, especially with the National Inquiry’s short timeline: “There is still a lot of work. Those we hear from are sharing stories, these are stories they are finally sharing, of what they have been holding onto in their hearts, the pain that they have been carrying, the untold stories they have been holding onto for many years without any type of support. This is what we are seeing today... But this is their story and now they have been given an opportunity to be grounded and work towards the next stage.”<sup>45</sup>

Another challenge is that incorporating Indigenous ways into the legal inquiry structure wasn’t always successful. The short time frame, bureaucratic rules and requirements and internal difficulties all contributed to make this work as challenging at times as it was rewarding.

Bernie, Blu and Audrey all spoke about how this work – both in the National Inquiry, and outside of it – can wear you down, to the point where it’s impossible to think what a “normal day” would look like. The violence goes on, even as the National Inquiry ends. Bernie sees this every day: “These are young kids that are just fighting for their own survival and that. Yet nothing – unless you have somebody that’s going to come down there and look for you, you’re done. It’s only two ways out. Either somebody is going to come in there that loves and cares about you enough, like your family or your relatives, or you’re going out in a body bag.”<sup>46</sup>

Between January and September 2018, Bernie lost a staggering 88 friends or family members to violence in the Downtown Eastside. Children are experiencing terrible psychosis, she says, “and everyone just kind of turns a blind eye.”<sup>47</sup>

Leslie sees these challenges in Winnipeg, as well – particularly how women are blamed for the violence they experience: “We know that they’ve been called prostitutes, drug addicts. And then there’s always the polite terminology, which is coded, racially coded, like ‘at-risk,’ or those kinds of things. There’s ways of people washing their hands as if to say, ‘Well... that has really nothing to do with us.’ They’ve caused their own disappearances. They’ve contributed to their own disappearances, and/or rapes, and/or murders, by their personal behaviours – by the way that they are dressed, by what they were doing, by being Indigenous, and by being women. Many people don’t see the system as violence. But in fact, missing and murdered Indigenous women and girls is the result of imposed poverty, legal and individual racism, discrimination and the patriarchy.”<sup>48</sup>

However, the Grandmothers also recognized some of the changes already starting as a result of this National Inquiry. For Louise, one of the biggest impacts has been that more and more Inuit are speaking out: “Recently we have broken the silence, given the recent ability to tell our stories. Through the First Nations’ willingness to open their stories by sharing them, our stories are being heard. The Commissioners’ Inquiry is what opened this.”<sup>49</sup>

Pénélope sees these commonalities between our stories, too: “It’s striking too, all their stories. They show how fragile we are, and at the same time, how strong we are. And it still continues today. That’s what strikes me, and how resilient we are.”<sup>50</sup>

She sees that we are at a critical juncture: “With the National Inquiry, that’s what I say. We’re at a turning point here in Quebec just as we are in every community in Canada. Every Indigenous person in the country knows now that it’s not normal to be second-class citizens in your own country. This will make us stronger. That’s what the National Inquiry will produce.”<sup>51</sup>

Most important is the support, comfort and healing the National Inquiry has been able to provide to families and survivors – work the Grandmothers will carry on past the life of the National Inquiry. As Bernie says, “Being asked to be part of the National Inquiry has been one of the biggest responsibilities of my life, and one of the hardest. I’ve met amazing Elders, family members and survivors all across our beautiful nation and it’s given me the opportunity to walk shoulder to shoulder with families and be part of the change. I’m amazed at how resilient we all are – through our journey, we still have a sense of humour and we’re still standing together. This has been a healing journey for me.... It’s been tough sometimes, but that’s what made us stronger and closer through the process.”<sup>52</sup>

Bernie also makes a point to single out the Commissioners. “I have never seen a group of four more incredible human beings, who have taken on so much starting with nothing. They are the true warriors. They have put in long hours, long days, time spent away from their families. The Creator doesn’t make mistakes, and he knew exactly who was fittest for this journey. Now, I’ve going to support them right to the very end.”

As Elder Kathy says, “Right from the start of the National Inquiry it appears to have been held to a different standard by the government and mainstream society. However, I strongly believe that our Spiritual ancestors have guided us in powerful ways to attain what our Creator and our

ancestors rightfully gifted us, with our lifeblood – they left us their DNA to continue to right the wrongs for our loved ones, the missing and murdered mothers, girls, sisters, aunts, great-grandmothers and great-great-aunts. I have observed a hopeful future for empowerment, for recognition, acknowledgement of survival and resilience, and in particular the Canadian society’s need to validate the strong Indigenous women that we are. Perhaps some of us have not yet fully realized that Indigenous women (people) come from a strong sacred essence, teachings and knowing of personal power.”

Violence against Indigenous women, girls, and 2SLGBTQQIA people violates that understanding that each of us is sacred. This can create long-lasting trauma, but trauma is not the end of the story. As Audrey puts it: “Here I am, after a lifetime of hiding myself and shaming myself, proud, humbled and empowered. Empowered by truth, empowered by trauma and unspeakable atrocities, to travel and be bold enough to say and to work with medicines that have existed since the first sunrise, as long as we have.”<sup>53</sup>

### **Next Steps: The National Inquiry as a Beginning, Not an End**

As Louise points out, the National Inquiry into Missing and Murdered Indigenous Women and Girls is a beginning, not an end. Everyone has a part to play going forward.

For many non-Indigenous people, it’s important to be ready to “unlearn” some learned behaviours. Blu points out: “There’s still a lot of others out there that don’t really think this is that important. They don’t know the histories, they don’t know that. They think these things happened 300 years ago and why are we still talking about it.”<sup>54</sup> Bernie adds, “If you’re not outraged, you’re not paying attention. This is every Canadian’s responsibility not to turn a blind eye.”

For Leslie, getting individual people creating change is the most important step: “Individuals have a role in these things as well. They can either support the status quo or resist it.”<sup>55</sup> Later on, she adds: “I have faith in the community. I have faith in the power of the people. That’s where power truly is.”<sup>56</sup>

Leslie continues: “We have to mourn our losses, but we can’t let it stop us. We have to just keep going. And that is the strength of the prayers of the grandmothers and the ancestors, that it’s our job now, it’s all of our jobs to have strong prayers, and to have strong love for everybody. That’s the medicine.”<sup>57</sup>

Blu also emphasizes that governments have to do better: “It’s got to be the government communicating with the different communities on all the issues that surround those communities, whether it be water, whether it be land, whether it be suicides, whether it be missing persons, whether it be housing, whether it be lack of resources. The government has to start listening.”<sup>58</sup>

Louise sees hope for the future in collaboration, or mutual understanding between Indigenous and non-Indigenous peoples – for example, by using Inuit and First Nations cultural values in areas like family services and other programs, where bureaucratic and Indigenous values seem to clash.<sup>59</sup>

Pénélope reminds us that reclaiming Indigenous values is also political: “I work with a group of Indigenous women and men, and we work on crafts, and one time we were making moccasins. I said, ‘Do you know that what you’re doing is political? Because if we no longer know how to make our moccasins, embroidered, it’s a part of us that we lose.’ Now, that’s what they say. Making our moccasins is political, yes, it’s true. Because it’s part of our culture.”<sup>60</sup> As we will discuss in more detail later in the report, culture is the foundation of nationhood. Teaching people how to make moccasins not only is an act of personal growth, but it strengthens the cultural identity of a Nation.

This journey may be a hard one, but Kathy encourages people to “trust yourself. Trust your heart.”<sup>61</sup> She shares a quote from Dr. Rachel Naomi Remen, a professor at the University of California, that has been very important to her in her healing work: “ ‘We do not serve the weak or the broken. What we serve is the wholeness in each other and the wholeness in life. The part in you that I serve is the same part that is strengthened in me when I serve. Unlike helping and fixing and rescuing, service is mutual. There are many ways to serve and strengthen the life around us: through friendship or parenthood or work, by kindness, by compassion, by generosity or acceptance. Through our philanthropy, our example, our encouragement, our active participation, our belief. No matter how we do this, our service will bless us.’ ”<sup>62</sup>

Kathy reminds us, “We’re only given one life, and my gosh, we have to make the best of it when we’re walking on Mother Earth and do the best for all of humanity.”<sup>63</sup>

In the meantime, the Grandmothers will carry on – through public policy, through women’s shelters, by educating others and in their home communities.

Pénélope says she will continue to walk on this journey, no matter how difficult: “I will always continue to walk despite the pitfalls that there may be or the learning experiences that are difficult. I’ll never lose hope. Because there’s always someone put on our path to help us understand things.... It’s important to believe that we can change things even if we’re alone. When we believe, we can change something. We can change the course of history.”<sup>64</sup>

Kathy is an example of someone who has survived a lot of colonial oppression, and has given back so much to her community in spite of that. She says, “You can carry on, you can become something that your parents and ancestors knew you could make happen of your life. You can carry the lifeblood in a way that you don’t understand when you’re a kid. Much like a flower blossoming, it doesn’t blossom fast. It takes years.... But those are the times we grow, because we’re pushed to the limit of having to grow.”<sup>65</sup> She adds: “And it’s not just for Aboriginal people. Canadian society’s going to learn from what we write and what we do and what we say. They may not like some of the stuff they hear. That’s part of healing process.”<sup>66</sup>

Audrey encourages Indigenous women to “make yourself strong, make yourself smart, make yourself invincible, connect to women around you, support women around you, honour women around you, guide women around you to places of healing.”<sup>67</sup> She adds: “Yes, we have a shit ton left in front of us to do, but look at how far we’ve come and look at whose shoulders we’re

standing on to keep carrying ourselves with dignity and respect, and to keep knocking down those walls, to keep shining the light, to keep leading with love, to keep leading with medicine, to keep reconnecting to ourselves while we’re surviving a genocide and being accountable to the Canadian government for legalities that they’re using against us to carry on that genocide.”<sup>68</sup>

Bernie will never take “no” for an answer: “As long as our women and our children are still going missing and being murdered at a high rate, I’m still going to be on those front-lines.”<sup>69</sup>

Bernie said she’s been asked many times, why do you do this work? “And, I’m always reminded, well, of Mother Teresa, she was coddling this beautiful brown baby. She was in Calcutta and she was asked the question. And, she said, where else can you see the face of God?... And, that resonated.... It hit me like a ton of bricks. I could not stop crying. Because every human being that you see, at the end of the day, we all belong on that big hoop of life together. And, these women, why? I can only say what’s in my own heart. But, if I was ever asked to, you know – I have no regrets and I would do this over and over again for the women, because they matter.”<sup>70</sup>

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| <p>1 Interview with Pénélope Guay, September 18, 2018, by Annie Bergeron, p. 6.</p> <p>2 Interview with Laureen “Blu” Waters, October 4, 2018, by Kelsey Hutton, p. 12.</p> <p>3 Some quotes have been edited for clarity in collaboration with the Grandmothers.</p> <p>4 Interview with Laureen “Blu” Waters, October 4, 2018, by Kelsey Hutton, p. 7.</p> <p>5 Interview with Pénélope Guay, September 18, 2018, by Annie Bergeron, p. 22.</p> <p>6 Interview with Louise Haulli, September 14, 2018, by Lisa Koperqualuk, p. 3 and 9.</p> <p>7 Interview with Kathy Louis, September 26, 2018, by Kelsey Hutton, p. 42.</p> <p>8 Interview with Leslie Spillett, December 4, 2018, by Kelsey Hutton, pp. 3-4.</p> <p>9 Interview with Laureen “Blu” Waters, October 4, 2018, by Kelsey Hutton, p. 5.</p> <p>10 Interview with Bernie Williams and Audrey Siegl, September 30, 2018, by Kelsey Hutton, p. 6.</p> <p>11 Interview with Bernie Williams and Audrey Siegl, September 30, 2018, by Kelsey Hutton, p. 2.</p> <p>12 Interview with Bernie Williams and Audrey Siegl, September 30, 2018, by Kelsey Hutton, pp. 12-13.</p> <p>13 Interview with Bernie Williams and Audrey Siegl, September 30, 2018, by Kelsey Hutton, p. 63.</p> | <p>14 Interview with Louise Haulli, September 14, 2018, by Lisa Koperqualuk, pp. 1-2.</p> <p>15 Interview with Pénélope Guay, September 18, 2018, by Annie Bergeron, pp. 2-3.</p> <p>16 Interview with Laureen “Blu” Waters, October 4, 2018, by Kelsey Hutton, p. 26.</p> <p>17 Interview with Pénélope Guay, September 18, 2018, by Annie Bergeron, pp. 7-8.</p> <p>18 Interview with Pénélope Guay, September 18, 2018, by Annie Bergeron, p. 8.</p> <p>19 Interview with Laureen “Blu” Waters, October 4, 2018, by Kelsey Hutton, p. 14.</p> <p>20 Interview with Laureen “Blu” Waters, October 4, 2018, by Kelsey Hutton, p. 15.</p> <p>21 Interview with Bernie Williams and Audrey Siegl, September 30, 2018, by Kelsey Hutton, p. 22.</p> <p>22 Interview with Bernie Williams and Audrey Siegl, September 30, 2018, by Kelsey Hutton, pp. 22-23.</p> <p>23 Interview with Kathy Louis, September 26, 2018, by Kelsey Hutton, p. 114.</p> <p>24 Interview with Kathy Louis, September 26, 2018, by Kelsey Hutton, pp. 115-116.</p> <p>25 Interview with Laureen “Blu” Waters, October 4, 2018, by Kelsey Hutton, pp. 13-14.</p> <p>26 Interview with Laureen “Blu” Waters, October 4, 2018, by Kelsey Hutton, p. 19.</p> |
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- 28 Interview with Laureen “Blu” Waters, October 4, 2018, by Kelsey Hutton, p. 18.
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- 31 Interview with Laureen “Blu” Waters, October 4, 2018, by Kelsey Hutton, pp. 25-26.
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## Introduction to the Final Report: Understanding Violence against Indigenous Women, Girls, and 2SLGBTQQIA People

### Introduction: Listening Deeply

Indigenous women, girls, and 2SLGBTQQIA people in Canada have been the targets of violence for far too long. This truth is undeniable. The fact that this National Inquiry is happening now doesn't mean that Indigenous Peoples waited this long to speak up; it means it took this long for Canada to listen.

More than 2,380 people participated in the National Inquiry into Missing and Murdered Indigenous Women and Girls, some in more ways than one. Four hundred and sixty-eight family members and survivors of violence shared their experiences and recommendations at 15 Community Hearings. Over 270 family members and survivors shared their stories with us in 147 private, or in-camera, sessions. Almost 750 people shared through statement gathering, and 819 people created artistic expressions to become part of the National Inquiry's Legacy Archive. Another 84 Expert Witnesses, Elders and Knowledge Keepers, front-line workers, and officials provided testimony in nine Institutional and Expert and Knowledge Keeper Hearings.



The truths shared in these National Inquiry hearings tell the story – or, more accurately, thousands of stories – of acts of genocide against Indigenous women, girls, and 2SLGBTQQIA people. The violence the National Inquiry heard amounts to a race-based genocide of Indigenous Peoples, including First Nations, Inuit and Métis, which especially targets women, girls, and 2SLGBTQQIA people. This genocide has been empowered by colonial structures evidenced notably by the *Indian Act*, the Sixties Scoop, residential schools and breaches of human and Indigenous rights, leading directly to the current increased rates of violence, death, and suicide in Indigenous populations.

## Defining Genocide

The term “genocide” was first used by the Polish-Jewish legal scholar Raphael Lemkin at a conference in Madrid in 1933. Lemkin later elaborated his ideas in a book, published in 1944, dealing with German actions within the context of the buildup to the Second World War. The term “genocide,” as coined by Lemkin, is a hybrid between the Greek root *genos* (“family,” “tribe,” or “race”) and the Latin suffix *-cide* (“killing”).

“Genocide,” in its original construction, is defined as coordinated actions aimed at the destruction of a group, committed against individual members belonging to that group. In Lemkin’s construction of the idea, genocide would have two phases that could contribute to establishing the political domination of the oppressor group. The first included the destruction of the “national pattern of the group,” and the second phase included what he called the “imposition of the national pattern of the oppressor,” which could be imposed on the population that remained in the territory, or on the territory itself within the context of colonization of the land by a new group.

Writing in the context of the German state’s actions in the Second World War, Lemkin defined “genocide” as occurring across several different fields:

- political, including the attack on, and subsequent disintegration of, political institutions
- social, including the abolition of existing laws and the imposition of new justice systems
- cultural, including forbidding the use of languages in schools and in the press
- economic, including the destruction of the financial base of the group, and including actions aimed to cripple or to reverse its development
- biological, including measures aimed at decreasing the birthrate among groups of people
- physical, including the endangering of health, and mass killings
- religious, including the disruption of existing systems of religion and spirituality, and the imposition of new systems
- moral, including “attempts to create an atmosphere of moral debasement within this group”<sup>1</sup>

Lemkin’s definition of genocide included an important principle, which didn’t restrict the definition to physical destruction of a nation or ethnic group. As he explained:

Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves.<sup>2</sup>

The objectives of a plan of genocide would include actions aimed at the “disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.”<sup>3</sup>

A legal definition of genocide wasn’t incorporated into international law until 1948, following the programs of mass murder carried out by the Nazis during the Second World War. In its articulation in this forum, though, it became more restrictive. Drafters argued over whether the definition of genocide should be universal, as in other criminal categories, or restricted to certain groups, as well as whether leaving some groups out might actually serve to target them.<sup>4</sup> Lemkin, who participated in the drafting, argued that social and political groups shouldn’t be included, because they didn’t have the permanence of non-political groups. States in the negotiations – among them the Soviet Union, Poland, Great Britain, and South Africa – worried that enforcement of such a convention could violate the principles of state sovereignty.<sup>5</sup> In the end, the convention was a compromise: an agreement among states and the result of difficult negotiations.

The United Nations adopted the *Convention on the Prevention and Punishment of the Crime of Genocide* (PPCG) on December 9, 1948. Article II of that convention holds that

genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.<sup>6</sup>

Canada signed the Convention in 1949 and formally ratified it in 1952.

There is much agreement when it comes to the fact that genocide can be committed both within and outside the context of an armed conflict.<sup>7</sup> However, outstanding disagreements remain concerning the question of “intent,” the nature of the groups included in its definition, and the importance of physical or biological destruction in whole or in part as an essential part of defining genocide.<sup>8</sup>

To some extent, these differences are part of a more social versus legalistic interpretation of the term. As historian and political scientist Jacques Semelin explains, those scholars relying on a legalistic concept of genocide are facing new challenges from those who question the extent to which an international legal norm based on a political agreement by the international community in 1948 should be the operational basis for how we examine and evaluate actions that may fall under one or more parts of its definition today.<sup>9</sup> Today, fields other than law also examine genocide in different terms.

Conceived as a social practice, as Daniel Feierstein, director of the Centre of Genocide Studies at the National University of Tres de Febrero in Argentina, argues, genocide involves “shared beliefs and understandings as well as shared actions” that may contribute to genocide or to attempted genocide, and which include “symbolic representations and discourses promoting or justifying genocide.”<sup>10</sup> Feierstein asserts that genocide as a social practice is a “technology of power.” It aims, first, “to destroy social relationships based on autonomy and cooperation by annihilating a significant part of the population,” in numbers or in practice, and, second, “to use the terror of annihilation to establish new models of identity and social relationships among the survivors.”<sup>11</sup>

As Canadian writer and filmmaker Larry Krotz explains, applying the term “genocide” to what happened in North America has a decades-long history, including in the 1973 book *The Genocide Machine in Canada: The Pacification of the North*, by Robert Davis and Mark Zannis; and 1993’s *American Holocaust: Columbus and the Conquest of the New World*, by David E. Stannard. A more recent work, *Accounting for Genocide: Canada’s Bureaucratic Assault on Aboriginal People*, by Dean Neu and Richard Therrien, was published in 2003.<sup>12</sup>

In recent years, and in light of the work of the Truth and Reconciliation Commission of Canada’s (TRC) *Final Report*, many Indigenous thinkers have turned to evaluating how the term “genocide” applies in Canada. As genocide scholar Andrew Woolford has noted, Canadian scholars have not given colonial genocide in Canada enough attention, due in part, perhaps, to the fact that the spatial and temporal boundaries of the case of genocide in Canada are not obvious. As he notes, “If Canadian settler colonialism was genocidal, where exactly did it occur and when did it begin? And considering the intergenerational effects at stake, as well as the perpetuation of settler colonial practices, can we say for sure whether genocide has even ended?”<sup>13</sup> Usually, and as he notes, “Much nuance is lost by force fitting it into a traditional comparative genocide studies paradigm that defines cases on national rather than regional or international levels of analysis.”<sup>14</sup>

Officially, the Government of Canada currently recognizes five genocides: the Holocaust, the Holodomor genocide, the Armenian genocide in 1915, the Rwandan genocide of 1994, and the ethnic cleansing in Bosnia from 1992 to 1995. As Krotz maintains, “In our world, genocide is absolutely the worst thing you can say about an action undertaken by individuals or groups. So atrocious, in fact, that many historic events that carry the characteristics of genocide struggle to – or fail to – get named as such.”<sup>15</sup> But as Woolford argues, and as the testimonies heard by the National Inquiry make clear, we must consider the application of genocide in both legal and in social terms, and as it persists today.

As Pamela Palmater, chair in Indigenous Governance at Ryerson University, explains:

If you speak to Indigenous women today, they will tell you that the crisis is far from over. The Indian Act still discriminates against Indigenous women and their descendants in the transmission of Indian status and membership in First Nations. Indigenous women suffer far greater rates of heart disease and stroke; they have higher rates of suicide attempts; they disproportionately live in poverty as single parents; their over-incarceration rates have increased by 90% in the last decade; and 48% of all children in foster care in Canada are Indigenous. With this list of harrowing statistics, is it any wonder that thousands of our sisters are missing or murdered?<sup>16</sup>

Considering the application of genocide on both legal and social fronts also means examining the historical record in light of the particular ways in which the programs aimed at subjugating and eliminating Indigenous Peoples were enacted, and the contemporary effect of these structures in the ways that many programs and pieces of legislation continue to be administered. In the Canadian context, and in reference to Indigenous women, girls, and 2SLGBTQQIA people, some examples include: deaths of women in police custody; the failure to protect Indigenous women, girls, and 2SLGBTQQIA people from exploitation and trafficking, as well as from known killers; the crisis of child welfare; physical, sexual, and mental abuse inflicted on Indigenous women and girls in state institutions; the denial of Status and membership for First Nations; the removal of children; forced relocation and its impacts; purposeful, chronic underfunding of essential human services; coerced sterilizations; and more.

As Palmater notes:

So why is it so important to understand the history of genocide in Canada? Because it’s not history. Today’s racist government laws, policies and actions have proven to be just as deadly for Indigenous peoples as the genocidal acts of the past. What used to be the theft of children into residential schools is now the theft of children into provincial foster care. What used to be scalping bounties are now Starlight tours (deaths in police custody)... Racism for Indigenous peoples in Canada is not just about enduring stereotypical insults and name-calling, being turned away for employment, or being vilified in the media by government officials – racism is killing our people.<sup>17</sup>

As former National Chief of the Assembly of First Nations Phil Fontaine and Bernie Farber, executive director of the Mosaic Institute, commented in a 2013 opinion piece, “Genocides rarely emerge fully formed from the womb of evil. They typically evolve in a stepwise fashion over time, as one crime leads to another.... Our conviction is that Canadian policy over more than 100 years can be defined as a genocide of First Nations.”<sup>18</sup> As they point out, the fact that Indigenous Peoples are still here and that the population is growing should not discount the charge; the resilience and continued growth of these populations don’t discount the many actions detailed within this report, both historical and contemporary, that have contributed to endemic violence against Indigenous women, girls, and 2SLGBTQQIA people.

Settler colonialist structures enabled this genocide, and “the intergenerational effects of genocide, whereby the progeny of survivors also endure the sufferings caused by mass violence which they did not directly experience,” need to be understood in the Canadian context.<sup>19</sup> Genocide is the sum of the social practices, assumptions, and actions detailed within this report. As Danny P. shared in his testimony, “Is it any different today than it was 300 years ago when this was socially acceptable and is it still socially acceptable to be going around killing our people off? ... That to me is a form of systemic genocide, which is still perpetrated today.”<sup>20</sup>

The National Inquiry’s findings support characterizing these acts, including violence against Indigenous women, girls, and 2SLGBTQQIA people, as genocide. Throughout this report, and as witnesses shared, we convey truths about state actions and inactions rooted in colonialism and colonial ideologies, built on the presumption of superiority, and utilized to maintain power and control over the land and the people by oppression and, in many cases, by eliminating them. Due to the gravity of this issue, the National Inquiry is preparing a supplementary report on the Canadian genocide of Indigenous Peoples according to the legal definition of “genocide,” which will be publicly available on our website.

## Speaking Up ... Again

As we discuss in the *Interim Report*, Indigenous women, girls, and 2SLGBTQQIA people have been speaking out about this violence for decades. While some people spoke out about their loved ones for the first time at the National Inquiry, others had also shared their testimony with the Royal Commission on Aboriginal Peoples, the Aboriginal Justice Inquiry of Manitoba, Amnesty International for their 2004 *Stolen Sisters* report, and the Native Women’s Association of Canada’s “Sisters in Spirit” research, education, and policy initiative.

In 2010, the Native Women’s Association of Canada (NWAC) confirmed 582 cases over 20 years of missing or murdered Indigenous women and girls.<sup>21</sup> In 2013, Maryanne Pearce, writing about missing and murdered women for her doctorate in law, identified 824 who were Indigenous.<sup>22</sup> The mounting evidence spurred the Royal Canadian Mounted Police (RCMP) to do their own review, which confirmed 1,181 cases of “police-recorded incidents of Aboriginal female homicides and unresolved missing Aboriginal females” between 1980 and 2012.<sup>23</sup>

The RCMP report also stated that Indigenous women made up roughly 16% of all female homicides between 1980 and 2012, despite making up only 4% of the female population.<sup>24</sup> Statistics, however, can be misleading: this number represents an average over a long time span, which obscures the increasing severity of the problem – namely, that Indigenous women and girls now make up almost 25% of homicide victims.<sup>25</sup>

Lisa Meeches, an acclaimed Anishinaabe filmmaker from Long Plain First Nation in Manitoba, co-created the true crime documentary series *TAKEN* a few years ago to help resolve the tragic reality of missing and murdered Indigenous women and girls.<sup>26</sup> As part of their advocacy, Meeches’s production company, Eagle Vision, partnered with Maryanne Pearce and Tracey Peter, an associate professor in the Department of Sociology at the University of Manitoba, to transform an updated (2016) version of Pearce’s data into an odds ratio. They found that the odds were much higher than previously imagined.

According to their calculations, Indigenous women and girls are 12 times more likely to be murdered or missing than any other women in Canada, and *16 times* more likely than Caucasian women.<sup>27</sup> Sharing these statistics – as well as the truths of families and survivors behind them – has been another of their advocacy tools.

As more and more studies show, Indigenous women, girls, and 2SLGBTQQIA people are being targeted from all sides, from partners and family members, acquaintances, and serial killers. Rates of domestic and family violence are extremely high,<sup>28</sup> but so is stranger violence. Indigenous women are also more likely to be killed by acquaintances than non-Indigenous women,<sup>29</sup> and are seven times as likely to be targeted by serial killers.<sup>30</sup> In the words of James Anaya, United Nations Special Rapporteur on the Rights of Indigenous Peoples, the rates of missing and murdered Indigenous women and girls are “epidemic.”<sup>31</sup>

Other than murder, statistics also reveal how Indigenous women consistently experience higher rates and more severe forms of physical assault and robbery than other groups in Canada.<sup>32</sup> Sexual violence is a huge problem in all its forms: Indigenous women are sexually assaulted three times more often than non-Indigenous women,<sup>33</sup> and most of the women and children trafficked in Canada are Indigenous.<sup>34</sup> According to researchers Cherry Kingsley and Melanie Mark, in some communities, sexually exploited Indigenous children and youth make up more than 90% of the visible sex trade, even where Indigenous people make up less than 10% of the population.<sup>35</sup> The majority of Indigenous women who are later sexually exploited or trafficked were sexually abused at an early age, making them easy targets for traffickers who prey on this vulnerability and count on society’s turning a blind eye.<sup>36</sup>

The rates of violence are equally alarming for members of the 2SLGBTQQIA community, who are often erased or left out of national statistics. For example, Égale Canada reports:

Lesbian, bisexual, and transgender (LBT) women, as well as gender-diverse and Two Spirit people encounter discrimination, stigmatization, and traumatic experiences of violence at disproportionately higher rates than their heterosexual and cisgender counterparts. These experiences are motivated by intolerance, fear or hatred of the person's diversity in attraction, gender identity, and/or gender expression in every social context: homes, schools, communities, religious and spiritual centres, public spaces, and health institutions.<sup>37</sup>

In particular, one Ontario study of gender-diverse and Two-Spirit Indigenous people found that 73% had experienced some form of violence due to transphobia, with 43% having experienced physical and/or sexual violence.<sup>38</sup>

Even when faced with the depth and breadth of this violence, many people still believe that Indigenous Peoples are to blame, due to their so-called “high-risk” lifestyles. However, Statistics Canada has found that *even when all other differentiating factors are accounted for*, Indigenous women are still at a significantly higher risk of violence than non-Indigenous women. This validates what many Indigenous women and girls already know: just being Indigenous and female makes you a target.<sup>39</sup>

The common thread weaving these statistics together is the fact that violence against Indigenous women, girls, and 2SLGBTQQIA people is not an individual problem, or an issue only for certain communities. This violence is rooted in systemic factors, like economic, social and political marginalization, as well as racism, discrimination, and misogyny, woven into the fabric of Canadian society. As [Kohkom] explained, “I’ve been in survival mode since I was a little girl, watching my back, watching goings on. Because I’ve seen my aunties, my cousins, my female cousins brutalized by police. And, growing up as a First Nation woman in this city, in this province, in this country – we’re walking with targets on our backs.”<sup>40</sup>

In talking of the loss of her daughter, Jennifer, Bernice C. spoke eloquently about what it means to deny her daughter’s right to life: “Somebody stole her, had no right to her, had no right to take her. She could have had a baby. She could have got married, but that was taken from her. Somebody decided she didn’t have a right to live, but she had every right to live.”<sup>41</sup>

Jennifer’s sister, Tamara S., went on to add that Jennifer’s death and experiences of violence cannot be seen in isolation from the many other stories of relationships in which the safety and security of Indigenous women were denied.

It’s really heartbreaking to see that this is happening over and over. It’s not just our family. After Jen, you hear of so many other stories of ... other women. It’s just ... it’s becoming more and more of an evident problem that’s out there. This is not just a random act. This is an actual epidemic. This is an actual genocide. Another form of genocide against women.<sup>42</sup>

Tamara’s observation that Jennifer’s death – and the violence, disappearances, and deaths of many other Indigenous women – was not a “random act” points to another important part of the story that Indigenous families, friends, and loved ones told about the relationships and encounters that violated the safety and security of Indigenous women, girls, and 2SLGBTQIA people. In her testimony, Danielle E. described how even in their daily lives when physical or sexual violence may not be immediately present, Indigenous women and girls experience a constant threat of violence and the fear that accompanies this.

I have hope that something good will come out of this, that as an Indigenous woman, I don’t have to walk on the street and be afraid because, today, when I go somewhere, I’m afraid, and it’s a fear that we all carry every day and you get so used to it that it’s like it’s part of you, and it shouldn’t have to be because not everybody in society today has to walk around and be afraid the way Indigenous women are and girls. I have seven daughters and lots of granddaughters that I worry about constantly all day. I don’t want them to become a statistic.<sup>43</sup>

As these testimonies demonstrate, the normalization of violence – or, put another way, the normalization of the loss of safety and security – becomes another way in which Indigenous women, girls, and 2SLGBTQIA people are targeted for further violence. The fact that there is little, if any, response when Indigenous women experience violence makes it easier for those who choose to commit violence to do so, without fear of detection, prosecution or penalty.

## Interpreting the Mandate

As these testimonies suggest, the National Inquiry into Missing and Murdered Indigenous Women and Girls heard about a huge range of issues that impact the safety and wellness of Indigenous women and girls. The National Inquiry itself is the result of mounting pressure from grassroots family members and survivors, community organizations and national Indigenous organizations, international human rights organizations, and the Truth and Reconciliation Commission of Canada to launch a public inquiry into the disproportionate levels of violence against Indigenous women and girls. After pointed resistance from the previous federal government, a new federal government announced a public inquiry into missing and murdered Indigenous women in 2015, and the National Inquiry into Missing and Murdered Indigenous Women and Girls formally began its work in September 2016.

The terms of the National Inquiry’s mandate (what we are meant to accomplish) is set out in our Terms of Reference. Specifically, the National Inquiry is mandated to report on:

- i. 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, and



- ii. 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.

The Commissioners are to make recommendations on:

- i. 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
- ii. Ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada.<sup>44</sup>

Simply put, the National Inquiry’s mandate is to (1) report on all forms of violence against (2) Indigenous women and girls. We will now take a closer look at each of these two parts of the mandate, and at how the National Inquiry has used its judgment to interpret it.

This mandate hasn’t been without its challenges. For instance, reporting on “all forms of violence” significantly broadened the mandate of the National Inquiry to include issues such as family violence, institutional racism in health care, child welfare, policing and the justice system, and other forms of violence that stem from the same structures of colonization. Reporting on “all forms of violence” also allowed the National Inquiry to hear from family members of loved ones who died due to negligence, accidents, or suicide, or whose cause of death is unknown or disputed. This is why the National Inquiry will often use the more inclusive term “lost loved ones” instead of referring only to the missing and murdered. We do not use the term “victim” of violence unless it is necessary in the context of the criminal justice system, in response to those families and survivors who expressed how the language of victimization can be disempowering.

While this mandate allowed us to look at interrelated issues in a more holistic way, meaningfully reporting on all forms of violence against Indigenous women and girls is also an extraordinarily broad mandate to cover in the span of two and a half years – the broadest mandate a Canadian public inquiry has ever received.

Even our name, the “National Inquiry into Missing and Murdered Indigenous Women and Girls,” created a barrier to clearly communicating that our mandate went beyond gathering evidence only on the specific, limited issue of missing and murdered Indigenous women and girls. As this report will show, we consider violence broadly and across time and space, understanding that the circumstances that lead to the targeting of Indigenous women, girls, and 2SLGBTQQIA people, while a combination of factors, are rooted in deeper truths.

While many survivors of other forms of violence did come forward to share their truths, and nearly every family member who came to share about their lost loved one was also a survivor of violence themselves, this continued to be a difficult misunderstanding to dispel. We deeply regret that this may have kept some Indigenous women and 2SLGBTQQIA people from registering with the National Inquiry to share about other experiences of violence because they did not feel

they “qualified,” or that the National Inquiry was meant for them. We strongly urge all family members and survivors to continue to speak out about their experiences if they wish to do so, to continue to raise awareness about these experiences.

In addition, the second part of the mandate, to report on all forms of violence “against Indigenous women and girls,” is also extremely broad. In the context of the National Inquiry, the term “Indigenous” can be understood as a collective noun for First Nations,<sup>45</sup> Inuit,<sup>46</sup> and Métis<sup>47</sup> people in Canada. This encompasses hundreds of distinct Indigenous Peoples, or Nations, who have their own political organizations, economies, cultures, languages, and territories.

Throughout the report, we use the term “Indigenous” to identify experiences that may be held in common by First Nations, Métis and Inuit; at the same time, we recognize that all peoples have names for themselves, many of which are shared in the endnotes to each chapter, as well as in stories and truths specific to each context. In doing so, we recognize and assert these distinctions and specific contexts.

Another important part of the National Inquiry’s work in interpreting its mandate has been to include 2SLGBTQQIA people (people who are Two-Spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, and asexual). This is particularly important for people who don’t fit the gender binary of “male” or “female,” since their gender isn’t reflected in a simple statement of “Indigenous women and girls.” We also recognize that Indigenous 2SLGBTQQIA women and girls experience violence differently, since, in these cases, discrimination based on race and gender is combined with homophobia, transphobia, and other forms of gender discrimination. For these reasons, we have broadly interpreted this aspect of our mandate. We have chosen to use the phrase “Indigenous women, girls, and 2SLGBTQQIA people,” both to include non-binary people and people with diverse sexualities, and as an explicit reminder that gender-diverse people’s needs must equally be taken into account.

## The Powers and Limitations of the National Inquiry

Public inquiries as a rule investigate issues of national (or provincial/territorial) importance. They can take the form of Royal Commissions, Truth and Reconciliation Commissions, or Commissions of Inquiry. The length, budget, and basic format are determined by the government that created the inquiry, although inquiries also have reasonable flexibility, as we have discussed, in how that mandate is carried out.<sup>48</sup>

The National Inquiry into Missing and Murdered Indigenous Women and Girls’ mandate does not come only from the federal government, but each province and territory. The National Inquiry is not just a federal public inquiry, but 14 joint “inquiries” taking place simultaneously in every federal, provincial, and territorial jurisdiction in Canada. Although there have been inquiries in multiple jurisdictions, there has never been a joint National Inquiry of every jurisdiction. This means that the National Inquiry into Missing and Murdered Indigenous Women and Girls is the first truly “national” inquiry Canada has ever had.

While our mandate is similar in each province and territory, the rules and requirements for this National Inquiry differ from jurisdiction to jurisdiction. These rules, which delineate the National Inquiry's powers and limitations, are set out in an Order-in-Council (or Administrative Decree) for each of the provinces and territories as well as in legislation applicable to public inquiries in each jurisdiction.

Being able to operate in every province and territory is critical because it gives the National Inquiry the authority to subpoena documents, compel witnesses, and investigate the systemic causes of violence against Indigenous women and girls anywhere deemed necessary, not just in areas that fall under federal jurisdiction. This includes investigating root causes as well as government policies, laws, and practices. However, this also makes our legal requirements significantly more complicated, as there are also different laws and rules for public inquiries in general across the jurisdictions.

As in other public inquiries, the National Inquiry has the power to investigate the issue at hand by collecting evidence and hearing testimony from witnesses. This is done in as open and transparent a manner as possible, creating a “public record” of critical information that can live on past the life of the National Inquiry. The Commissioner or Commissioners then write a report and make recommendations for change. Governments are not required to implement these recommendations. However, public attention and education, particularly through the ongoing legacy work of the public inquiry, help put pressure on governments wherever possible.

One of the National Inquiry's main limitations – which is the same for all public inquiries – is that a public inquiry can't resolve individual cases or declare certain people legally at fault. This is because public inquiries are meant to focus on systemic problems and solutions with the understanding that these problems cannot be traced back to “a few bad apples.” The National Inquiry also can't do anything to jeopardize ongoing criminal investigations and must follow the privacy rules around personal information as laid out in federal, provincial and territorial privacy laws and obligations.

However, if new information comes to light during our Truth-Gathering Process or if the Commissioners have reasonable grounds to believe the information relates to misconduct, they can remit the information to appropriate authorities.

## Gathering Truth

With these powers and limitations in mind, the Commissioners designed the overall format of the National Inquiry – what we now call the “Truth-Gathering Process.”

Overall, the National Inquiry sought to be families-first (putting the family members of lost loved ones and survivors of violence ahead of others who usually hold the power, including politicians, governments, and the media), trauma-informed (supporting healing in a way that does no further harm), and decolonizing (centring Indigenous ways of being, knowing, and

doing). All of these goals were grounded in the National Inquiry’s guiding principle, “Our Women and Girls are Sacred.” This vision would help to build the foundation upon which Indigenous women, girls, and 2SLGBTQIA people will reclaim their power and place.

The National Inquiry also recognizes that, from an Indigenous perspective, there is not necessarily a singular “truth.” Instead, each person brings with them their truth, and by gathering these truths together, we can gain a more complete understanding of the issue. For these reasons, the National Inquiry determined that our process would be called the “Truth-Gathering Process,” recognizing multiple “truths” or perspectives to be brought forward.

These truths were offered by a variety of different people, families, and organizations, as well as by the National Inquiry’s advisory bodies. Advisory bodies include the National Family Advisory Circle (NFAC), made up of family members of missing and murdered Indigenous women and girls and survivors; the National Inquiry Elders and Grandmothers Circle, in which the Commissioners and the executive director have an Elder or Grandmother who works closely with them; and external advisory bodies on four key cross-cutting perspectives that are often overlooked in national Indigenous research or events: Inuit, Métis, 2SLGBTQIA, and Quebec.

Part 1 of our Truth-Gathering Process focused on the lived experiences of those who came forward as family members and as survivors themselves. All family members, friends and supporters of missing and murdered Indigenous women, girls, and 2SLGBTQIA people, as well as survivors of violence within these groups, were automatically entitled to participate in the National Inquiry’s process at Community Hearings, through statement gathering, or through artistic expressions. The National Inquiry did this through a public communications campaign to tell as many people as possible how to contact the National Inquiry, but did not contact family members or survivors without being asked to, to solicit their story; we believed very strongly that it was up to each person to decide if they wanted to participate. If they did, we would assist in every way to facilitate this participation.

Once a family member or survivor reached out to the National Inquiry, either by mail, email, or phone, they did an initial intake process with a member of our Health team (later renamed Outreach and Support Services) to get their contact information and hear if they had any immediate needs. Multiple options of how people could share their truth was explained to them, in keeping with the principles of our trauma-informed approach and greater personal control over the process.

This first option was to share publicly at a Community Hearing in front of the general public and the Commissioners; in this case, their testimony would be livestreamed to the rest of the country, and the transcripts of the testimony made public on the National Inquiry’s website. The only restrictions would be on names and events redacted to comply with privacy laws. Our decolonizing approach meant that we travelled only to those communities that welcomed us, following local protocols and taking guidance from local Elders. In order to be trauma-informed and create culturally safe spaces, we did not allow cross-examination of family members and survivors. Commissioners asked questions for clarification only.

Sharing their truths in-camera, or privately, at a Community Hearing was another option. In this case, families and survivors shared directly to a Commissioner with their supports, National Inquiry staff members, and Parties with Standing present, but without any access by the general public. This was for the safety of the people sharing their truth, in some cases, as well as within the trauma-informed approach where people might have difficulty describing their stories in public. Whether it was for physical safety, mental safety, or cultural safety, holding private hearings was crucial to ensure we could hear the true stories of family members and survivors of violence. Confidential transcripts of these sessions were created to help contribute to the National Inquiry’s findings of fact and recommendations, and identify overall trends, but they will not be released to the public and will not be made available after the life of the National Inquiry. While truths shared in-camera have helped shape the National Inquiry’s findings and conclusions, no direct quotes are used from in-camera testimony in this report to respect that person’s confidentiality, except in exceptional circumstances where permission was granted by the witness for portions of the testimony to be used.

Sharing with a Statement Gatherer was another option. In this case, Statement Gatherers travelled to the family member or survivor and conducted an in-person, videotaped interview with them, which would later be reviewed by one of the Commissioners in all jurisdictions but Quebec, which required review by three. The person sharing could request that their transcripts be made public or kept private. There were also statement-gathering events, where multiple statements were collected from participants at one location.

Another option was to submit an artistic expression that represented that person’s response to, or experience of, violence against Indigenous women, girls, and 2SLGBTQIA people to the National Inquiry’s Legacy Archive. Commissioners welcomed people’s testimony in more than one form.

Another decolonizing and trauma-informed decision made was to include chosen families, or “families of the heart,” in all of our definitions of “family members.” This includes a broad sense of family that goes beyond a person’s nuclear, biological, or extended family to include others who consider themselves family. These “families of the heart” have chosen to stay closely involved and support each other out of mutual love and respect. This is especially important for many 2SLGBTQIA people, women who have had to leave their biological families and/or communities due to violence, or those who have been separated from their birth families through child welfare, adoption, and the Sixties Scoop.

Parts 2 and 3 of the Truth-Gathering Process involved Institutional Hearings and Expert and Knowledge Keeper Hearings. Institutional Hearings inquired into the systemic causes of institutionalized violence, as well institutional responses to violence, while those who shared as part of the Expert and Knowledge Keeper Hearings – Elders, academics, legal experts, front-line workers, young people, specialists, and others – provided their recommendations on systemic causes of violence and possible solutions. As part of the hearing process, National Inquiry lawyers and Parties with Standing had the opportunity to examine Parts 2 and 3 witnesses. The topics covered during the Institutional and Expert and Knowledge Keeper Hearings grew out of

the topics and issues that families and survivors were identifying as important to them during the Community Hearings. The Institutional and Expert and Knowledge Keeper Hearings allowed the National Inquiry to hear from representatives of the systems and institutions that many of the families spoke about during their testimony and to explore in more depth how these systems and institutions worked. It also ensured that the experiences and issues raised by families and survivors remained at the centre of the Truth-Gathering Process, even when we were hearing from experts and institutional officials.

The National Inquiry did not maintain a narrow or Western definition of “experts,” but specifically sought to include Elders and Knowledge Keepers. These are Indigenous people who are known for their wisdom, knowledge, experience, background, and insight. They are generally sought out by community members or individuals for advice on traditional as well as contemporary issues. Knowledge Keepers in particular have deep knowledge or expertise in Indigenous knowledge systems, including Indigenous intellectual traditions, world views, and laws. Some are considered the keepers of traditional knowledge or oral history within their families, communities, or Nations.

The Parties with Standing played an important part during this phase of the Truth-Gathering Process. Parties with Standing are groups that applied to have additional rights to participate in the National Inquiry’s processes because they had substantial and direct interest in the subject matter of the National Inquiry or because they represent distinct interests within which their expertise and perspective would be essential for the National Inquiry to fulfill its mandate. There are 94 Parties with Standing, including groups representing non-governmental organizations, Indigenous women’s organizations, civil societies and governments, and some police agencies.

Two of the most important ways that Parties with Standing participated in the Truth-Gathering Process were by asking questions of the Institutional and Expert Witnesses at the hearings (called “cross-examination”) and by providing closing oral and written submissions once all the evidence had been gathered to offer their additional recommendations on how to end violence. These submissions made up Part 4 of the Truth-Gathering Process. They also provided advice on how to interpret the evidence before the National Inquiry and on the key findings that needed to be made, in addition to the actions and recommendations required to promote safety and security. Their submissions are accessible on our website online.<sup>49</sup> Their contributions to the entire process, as well as their particular contributions in proposing recommendations and resources for us to consider, are evident in the Calls for Justice that we demand be fulfilled at the close of this report.

The evidence considered by the Commissioners includes all testimony, or truths, gathered in Parts 1, 2, 3 and 4 of the Truth-Gathering Process. It also includes exhibits submitted as part of a witness’s testimony. For family members and survivors sharing in Part 1, these exhibits could include photographs of loved ones, newspaper clippings, or other materials that would help tell their story. In Parts 2 and 3 hearings, exhibits usually included relevant reports, studies, public records, or other supporting documents.

## Reclaiming Power and Place

The result of research conducted through the Truth-Gathering Process that privileges the voices of those with lived experience, and that focuses on the sacred place of Indigenous women, girls, and 2SLGBTQQIA people in their families, communities, and Nations, is a report that insists on self-determined solutions distinctive to the needs of those most affected as rights bearers. And while it is far from the first report released on violence against Indigenous Peoples, and it likely won't be the last, we maintain that the framework behind *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* is both powerful and empowering in its calls to focus on rights and relationships at every level – from the individual day-to-day encounters that feed violence and discrimination, to those larger institutional and systemic structures that need to change.

In its presentation of findings, this report connects the testimony collected nationally during the Truth-Gathering Process to violations of Indigenous women's, girls', and 2SLGBTQQIA people's human and Indigenous rights. By applying a human and Indigenous rights lens, as well as a gendered lens, to the truths shared during the Truth-Gathering Process, we argue that the violence experienced by Indigenous women, girls, and 2SLGBTQQIA people – as well as all forms of violence experienced by Indigenous Peoples – is a human rights issue. In sharing their truths, families, loved ones, and survivors were not only sharing stories about the violence they or their loved one endured but also sharing stories about human rights abuses and violations. Making the changes required to end violence against them is not a matter of public policy but one of domestic and international law.

Based on the findings from our Truth-Gathering Process and our analysis of previous reports, the National Inquiry finds that the main reason these changes and recommendations haven't been implemented yet is that they rely on governments and bureaucracies to want to change their own laws, contracts, and policies. While many of these should indeed be changed, they miss the fundamental role of *relationship*. After all, Canadian laws are not set in stone; they are based on the values and relationships of the people who write them.

In sharing their truths with the National Inquiry, family members and survivors told not only stories about violence but also stories about the relationships through which violence takes place. In this report, we focus on the role of relationships, and the significant encounters within relationships, that family members and survivors described as leading to or lessening harm, violence, and suffering. Taking a basic lesson offered through the testimony – that relationships matter – this report presents many examples that illustrate how relationships – whether those as small as the relationship shared between two people or as large as the relationship between two world views – offer important ways of understanding how violence continues and how violence may be prevented. While the report and its recommendations argue for changes to the relationships that colonial systems and structures are built on, it also strives to provide examples of the way individual people and their day-to-day interactions can make a difference in ending violence.

Family members and survivors have revealed to us that relationships provide critical moments of encounter that can either harm or help others. Whether it was at the hearings, in private statements, or through artistic expressions, they told us about moments in their lives where either healthy or harmful relationships had a huge impact on their lives. This is key to understanding the real causes of violence. Because of this, we are focusing on the relationships behind the laws and structures that are currently failing to keep women and 2SLGBTQQIA people safe.

This report presents its findings in such a way that it takes the truths, experiences, and expertise held by Indigenous women, girls, and 2SLGBTQQIA people as the most important word on the subject of the violence committed against them. By looking to Indigenous women, girls, and 2SLGBTQQIA people and their testimony to explain what needs to be done to end violence in their lives, this report reflects a recognition of their strength, resilience, and expertise.

Opaskwayak Cree researcher Shawn Wilson has said:

One thing that most of these Indigenous inquiries hold in common is that they look at social, historical and economic factors to explain the differences between Indigenous and non-Indigenous peoples and then make recommendations that are intended to adapt the dominant system to the needs of Indigenous people. These programs proceed with the assumption that if economic and environmental conditions were the same for Indigenous and non-Indigenous people, Indigenous people could ‘pull themselves up’ to the standards of dominant society. This same attitude promoted the forced assimilation of Indigenous people through such social tragedies as the ‘stolen generation’ and forced residential schooling.<sup>50</sup>

In the past, “expertise” generated within academic institutions, governments, or Western ways of knowing and conducting research – all systems that have historically excluded women and especially Indigenous women – has been seen as that most suited to addressing the complex problems presented in this report related to issues such as culture, health, security, and justice. In contrast to much previous research that positions Indigenous women as “victims” in need of protection or saving, or that positions their experiences as “less than” knowledge gathered according to Western research methods or approaches, this report instead centres these voices in recognition that it is the wisdom held by Indigenous women, girls, and 2SLGBTQQIA people that has the potential to create more healthy and safe environments for all.

In this sense, the information presented in this report and the recommendations it offers are not easy to understand or implement. Due to the denial of knowledge and expertise held by Indigenous women, girls, and 2SLGBTQQIA people for so long, respecting these opinions and teachings will challenge readers, researchers, policy makers, and the general public who are used to thinking about policy solutions or social issues in a particular way or within already established systems. Really listening to this expertise often requires questioning standard ways of doing things, challenging the status quo, and being open to radical, new alternatives.



Most importantly, this report recognizes that Indigenous women, girls, and 2SLGBTQQIA people also have the solutions to counter this violence, overcome indifference, and reclaim their power and place. Greg M., whose sister Jackie has been missing since 1997, said, “It’s tough being an Indian these days. There’s so many things against us. But still we’re resilient people. We stood ... for 10,000 years here. We’re still going to be here.”<sup>51</sup>

## Evaluation of the Federal Government’s Response to the National Inquiry’s *Interim Report* Recommendations

One of family members’ and survivors’ biggest fears in opening themselves up for a process as intense as this one is that in the end, nothing is done – that the report gathers dust on a shelf and the recommendations are left unanswered. As family member Melanie D. said:

My biggest question is what is the government planning to do after this Inquiry? Like, what is the action plan? Because I hope it’s not like another RCAP [Royal Commission on Aboriginal Peoples] report. I hope it’s not 94 Calls to Action where we have roundabout circle talks about reconciliation.... And I’m not just placing that on to the government, but ... what is Canada, all of Canada going to do?<sup>52</sup>

In *Our Women and Girls Are Sacred: The Interim Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, we issued 10 recommendations for immediate action. Many of these recommendations had to do with the procedural work of the National Inquiry itself, to make it easier and more responsive to families’ needs.

Holding those with the power to act on these recommendations to account is an essential step of this process, and evaluating the progress made to date is an important indicator of the work left to accomplish.<sup>53</sup> As Terry L. shared: “I hear words all the time. I don’t want words anymore. I want action.”<sup>54</sup>

## The National Inquiry’s 10 Calls for Immediate Action from the *Interim Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*

**1. Implementation of all the 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.**

To date, this has been partially implemented, and we recognize that the National Inquiry into Missing and Murdered Indigenous Women and Girls is in itself a fulfilled TRC Call to Action. Other actions include endorsing and passing New Democratic MP and reconciliation critic Romeo Saganash's Bill 262, a private member's bill aimed at ensuring that Canada's laws are in harmony with those rights set out in the United Nations Declaration on the Rights of Indigenous Peoples – a declaration that Saganash himself helped to create. At time of this writing, the Bill was in its second reading, in Senate. In 2018, the federal government had also agreed to work toward the equivalent of Jordan's Principle for Inuit children, to ensure health care for them would not be delayed. In addition, Bill C-91, *An Act Respecting Indigenous Languages*, which would establish measures for long-term and sustainable funding for the support and promotion of Indigenous languages, was unveiled in early 2019.

Collectively, these are important pieces of work, which will require careful implementation and reporting. In particular, ensuring that the principles that animate them are applied to all services that can help to promote security and safety for Indigenous women, girls, and 2SLGBTQQIA people is a complicated process, but one that we argue needs to move more urgently and quickly.

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

This has not been implemented. Canada has now received seven non-compliance orders from the Canadian Human Rights Tribunal (CHRT).<sup>55</sup> The First Nations Child and Family Caring Society is back in court against Canada, which is now rejecting First Nations children's claims based on their lack of Status as determined by the *Indian Act*. Aside from the many problems with assigning First Nations identity through colonial legislation such as the *Indian Act*, which we cover in more detail elsewhere in this report, the CHRT decision makes no distinction between Status and non-Status First Nations children, and the Supreme Court of Canada recently ruled that Ottawa has a fiduciary duty to non-Status First Nations people, and to Métis. As of February 19, 2019, the tribunal issued interim relief orders for Jordan's Principle in favour of the Caring Society, stating that non-Status First Nations children in urgent situations will be covered under Jordan's Principle until the evidence has been heard regarding the definition of "First Nations."<sup>56</sup>

Given that the *Canadian Human Rights Act* forbids discrimination based on race, it is the Caring Society's position that Jordan's Principle also applies to Inuit children where public services have been delayed or denied.

The National Inquiry heartily agrees with Dr. Cindy Blackstock when she says: "When I look at the wealth of this country, I think that equality for First Nations children should come in a leap, not in a shuffle. And just frankly, if they can afford to spend five billion on a pipeline, they can afford to eradicate inequalities in education and other areas for their kids."<sup>57</sup>

**3. That the federal government finds 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 of the pre-Inquiry information on how to participate in the National Inquiry.**

To our knowledge, this was never done. Many families who participated in the pre-Inquiry consultation process told our Outreach and Support Services team members that while they were glad to see the National Inquiry moving forward, the registration process itself was confusing due to the manner in which Canada conducted its pre-Inquiry consultations. Many families believed that being part of those placed them on a list; the reality was that these were separate processes. The pre-Inquiry process led families to believe that we would have their contact information and we would reach out to them.

Also, many families believed that as Native Women’s Association of Canada (NWAC) and the Royal Canadian Mounted Police (RCMP) had their contact information, we would have that information too and reach out to them. This was not the case. We sincerely regret that family members and survivors experienced added stress and confusion regarding our registration process as a result.

**4. That the 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.**

This recommendation was partially implemented. The federal government did increase funding to help improve the participation of the Parties with Standing, who consist mostly of Indigenous organizations, at the National Inquiry’s urging. However, many smaller community and grassroots organizations, which are already underfunded and understaffed, did not receive any additional funding to participate in the process or help the Inquiry do community outreach. In addition, the requirement to pre-pay expenses and then get reimbursed was taxing for already overstretched organizations reliant on sometimes unstable funding.

**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 spearheaded commemoration events and initiatives related to missing and murdered Indigenous women, girls, and LGBTQ2S people.**

This is one of the few recommendations that the Government of Canada responded to directly. The federal government, through Status of Women Canada, committed to a commemoration fund that would provide \$10 million over two years “to honour the lives and legacies of Indigenous women, girls, and LGBTQ2S individuals.”<sup>58</sup> The commemoration fund committed to supporting Indigenous communities in developing and implementing commemorative events.

The National Inquiry is glad to see that the federal government recognizes the power of public commemoration to “honour truths, support healing, create awareness, and to advance reconciliation.”<sup>59</sup>

However, we have serious concerns with the way the federal government reinterpreted this recommendation. In particular, our recommendation specifically noted the importance of involving Indigenous women’s organizations, family coalitions, Indigenous artists, and grassroots advocates. However, the call for proposals for this commemoration fund applies only to legally constituted organizations, and it is not clear to what extent others will be able to access it.<sup>60</sup> This excludes these very same family coalitions and grassroots organizations we wanted to include, who have been organizing around missing and murdered women, girls, and 2SLGBTQQIA people for decades with very little support.

It can be a long and onerous process to legally incorporate as an organization; coupled with the very short time frame organizations were given to apply, this almost certainly excludes the very groups we intended this recommendation to reach.

**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.**

In response, the Government of Canada committed to increase health support and victim services by

providing \$21.3 million over three years to complement the health supports provided by the inquiry, such as allowing the expansion of services to include all survivors, family members and those affected by the issue of missing and murdered Indigenous women and girls, improving their access to health support services and extending the timeframe during which health support services will be available up to June 30, 2020.<sup>61</sup>

They also committed to “providing an additional \$5.42 million in 2019–2020 to extend the timeframe for the two Department of Justice Canada initiatives: Family Information Liaison Units and funding for community-based organizations to support families beyond the life of the National Inquiry.”<sup>62</sup>

The National Inquiry welcomed this announcement, and in particular the portion of the Resolution Health Support Program that was designated to support the health needs of those who participated in the National Inquiry. This did help family members and survivors.

However, the National Inquiry was only minimally consulted in how to allocate these funds. Because most of the funds were allocated through regional First Nations and Inuit Health Branch (FNIHB) offices, the support services available to family members and survivors did not include travel or cultural healing, wellness ceremonies, or transportation to meet with Elders or traditional medicine practitioners, instead covering only Western approaches to health and wellness – namely, counselling. While counselling is, in fact, an important part of many Indigenous Peoples’ healing journeys, cultural safety must be a key component in any Indigenous health and wellness service. However, the FNIHB did lift all eligibility criteria so that everyone could seek advice,

including all those affected by the issue of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, whether they be Status First Nations, non-Status First Nations, Inuit or Métis.

In addition, distributing these funds through existing regional offices meant that families and survivors who already had trouble accessing health services due to living in rural and remote areas continued to have the same problems accessing these funds.

**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 families and survivors participating in the National Inquiry’s Truth-Gathering Process and engaging in its commemoration activities.**

The goal of this recommendation was to ensure that families and survivors, and not only established organizations, had a voice in their healing and commemoration. The National Inquiry was ultimately successful in negotiating contribution agreements with individuals for their aftercare plans, which a Canadian government had never agreed to before. This gave families and survivors direct ownership over their own healing and wellness. We discuss this in more detail in Chapter 9.

**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.**

To date, this important recommendation has not been implemented.

**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.**

The Government of Canada announced that they would provide

\$9.6 million over five years [which] will support the Royal Canadian Mounted Police (RCMP)'s new National Investigative Standards and Practices Unit. Members of this unit will provide national oversight to major RCMP investigations. A significant proportion of this oversight will focus on missing and murdered Indigenous women and girls investigations.<sup>63</sup>

However, this does *not* fulfill the National Inquiry’s recommendation. We maintain that Canada needs an independent national police task force specifically designed to meet the needs of family members and survivors of violence against Indigenous women, girls, and 2SLGBTQQIA people, which would include non-police members and investigators, and other built-in, transparent oversight mechanisms.

Our most important objection to providing additional funding to the RCMP in this manner is that, once again, this involves police policing themselves. The RCMP have not proven to Canada that they are capable of holding themselves to account – and, in fact, many of the truths shared here speak to ongoing issues of systemic and individual racism, sexism, and other forms of discrimination that prevent honest oversight from taking place.

In addition, our recommendation was for a national police task force, whereas the government’s response includes only the RCMP, which does not cover other police service investigations or areas covered by a national task force.

The National Inquiry is also concerned about the non-specific language used, in that “a significant portion” will go toward investigations of missing and murdered Indigenous women and girls. In 2010, the federal government cut funding to the Native Women’s Association of Canada’s “Sisters in Spirit” research, education, and policy initiative to provide additional funding to other departments and to the RCMP, where enhancements made were general and not specific to Indigenous women and girls.<sup>64</sup> These actions don’t inspire confidence for the future.

**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.**

Overall, the National Inquiry recognizes that many improvements were made to expedite some administrative services, particularly in the areas of staff hiring, security clearance, and procurement of goods and services. However, problem-solving administrative processes that were designed for indeterminate and well-established federal government organizations continued to cause significant delays and frustration. Such administrative processes do not lend themselves to inquiries with short timelines, let alone a National Inquiry with an Indigenous cultural mandate that stresses the need to accomplish the work in a trauma-informed and decolonizing way.

The area where this had the deepest effect on families and survivors was in aftercare, where the critical support the National Inquiry needed to provide to participants in order to avoid being retraumatized as a result of sharing their truths was placed on shaky ground. This came to a head in January 2018, when the federal government challenged the National Inquiry’s Terms of Reference and authority to provide health support to families and survivors in preparation for and during their appearance before the National Inquiry, and after sharing their truths. This effectively froze all movement on aftercare supports for three months, while families and survivors, including those in urgent crises, suffered. Even after coming to a funding resolution, there were many rules and regulations that continued to hamper aftercare services, causing more delays and valuable time lost. These required multiple paperwork amendments and new signatures, which generated stress for the families and survivors as well as delays in payments.

## Successes and Challenges of the National Inquiry

In reflecting on where we are today, the National Inquiry recognizes it has had many successes as well as many challenges.

One of the most important successes of the National Inquiry is how many people entrusted us with their stories. We see these stories as sacred. The National Inquiry made some mistakes along the way, but family members and survivors of violence were able to work one-on-one with our Health and Legal teams to share their stories, and continued to receive support through the National Inquiry's aftercare program for several months after they shared their truths. We are humbled by the sheer number of people who shared their stories in order to help others truly understand the levels of violence in this country.

Having so many people break the silence has already created a momentum much bigger than the National Inquiry, and has continued to build. Trauma has widespread effects, but so does healing. As one Inuk Elder told the members of the National Inquiry's internal Inuit Working Group, their work was "already saving lives." These healing effects are still rippling gently through families and communities. It is one of Canada's most important jobs in the months and years ahead to ensure that these ripples build into waves of change.

One of our biggest challenges was working under the federal government's rules and procedures, which are designed for government departments with long lifespans, not two-year public inquiries working in a culturally safe and trauma-informed way. Finding ways to navigate these rules designed for a completely different context was particularly critical, given our other biggest challenge: the lack of time.

The two years and four months' mandate given to the National Inquiry at its outset was not enough. With the broadest mandate of any public inquiry in Canadian history, and given the time required simply to hire staff, get the infrastructure in place, and begin to build key relationships, this time frame significantly hampered our ability to fully work according to families-first, decolonizing, and trauma-informed approaches. Processes that would normally take months in a government department needed to be compressed into weeks to fit our schedule. Many of our hearings were held back-to-back, and we were never able to give as much notice for hearings and events as we would have liked. It was very difficult to get the appropriate systems and policies in place until well into our mandate. It was also very difficult to build relationships with Indigenous communities with enough lead time to allow them to report back to, and work collectively within, their families, communities, and governance structures. In some cases, family members felt rushed, and received short notice for when they were scheduled to testify.

From an organizational perspective, National Inquiry staff members experienced delays in receiving computers, phones, Internet connections, email access, and access to a central shared drive – extremely important for a National Inquiry working from coast to coast to coast. Many staff members worked from home, across all time zones and in remote locations, or spent a great deal of time on the road. Ongoing technology and IT problems, along with the complex require-

ments of a public inquiry operating in 14 jurisdictions at the same time, delayed processes regarding travel arrangements, hospitality planning, procurement, and financial approvals and payments.

In the end, the National Inquiry held dozens of events, large and small, in urban settings and in northern locations across Canada. There were challenges. For example, the Community Hearing in Smithers was held while the town was under a boil-water advisory, which meant bringing in hundreds of litres of bottled water. In Rankin Inlet, National Inquiry-related activities used up every single available hotel room in the community, and, in Iqaluit, we used up almost the entire town's bandwidth of Internet to be able to livestream the hearing online. In Whitehorse, an earthquake damaged the facility originally booked for the first Community Hearing, which resulted in relocating to the already-full Kwanlin Dün Cultural Centre and setting up large tents outside.

However, we recognize that these challenges were temporary for the National Inquiry. The communities we visited have to manage with these challenges all the time. These are the kinds of geographic and distinction-based needs that must be taken into account when governments are responding to the National Inquiry's recommendations.

The National Inquiry also had many other highlights. For example, the National Inquiry advocated on behalf of Indigenous women and girls at the Supreme Court of Canada in the case of *Barton v. Her Majesty the Queen*.<sup>65</sup> This case involves the trial of Bradley Barton, the man accused of killing Cindy Gladue, who bled to death after what the accused said was consensual sexual acts. In our intervention related to the trial process, the National Inquiry argued that the trial is emblematic of how Indigenous women are seen as less believable and “less worthy” victims than non-Indigenous women, and that justice does not serve Indigenous women. Importantly, we discussed the court's failure to apply the law correctly under section 276 of the *Criminal Code* of Canada, and to take judicial notice of the high victimization of Indigenous women. We submitted that widespread racism and discrimination against Indigenous women exists and that the courts must take judicial notice of such systemic bias against Indigenous women complainants. We argued that indifference by all actors in the court, who often referred to Cindy as a “native prostitute” instead of by her name, may have led to reinforcing discriminatory beliefs, misconceptions, or upholding bias by the jury about the sexual availability of Indigenous women and specifically, Cindy Gladue.

The National Inquiry's action on this issue marks the first time a public inquiry has sought intervenor status at the Supreme Court of Canada. The Supreme Court's determination in this case, which is still pending, is anticipated to be a seminal case for determining the extent of the laws around sexual violence and consent. We felt it was imperative to act and do everything possible to speak out for Indigenous women on the issues that profoundly affect so many survivors and families.

In designing our communications approach, it was a challenge to tailor our messages to diverse stakeholders from families and survivors across Canada, to national and provincial Indigenous organizations, and to federal and provincial governments. We needed to use a tool kit to reach



people that included a variety of channels and platforms – from social media to e-newsletters to traditional print, television, and radio news stories – while being responsive to diverse cultural, language, and demographic needs and perspectives.

However, with the guidance of the Grandmothers Circle and the National Family Advisory Circle members, the National Inquiry created space for families to be heard and their truths to be validated at every event. Public awareness of the issue of missing and murdered Indigenous women is also on the rise. In 2017 on Twitter, for example, there were 13,529 tweets and 112 million impressions on a variety of topics, including spreading news of upcoming Community Hearings. When we livestreamed Knowledge Keeper, Expert and Institutional Hearings on Facebook and CPAC, thousands tuned in each day to watch the proceedings, comment, share, and be inspired by the strength of the testimony presented.

We also redesigned the National Inquiry’s website in 2018 to better offer up-to-date information on news and events, and an interactive map of all past hearings and events with links to documents and videos. Additional upgrades designed in early 2019 involve organizing and featuring thousands of public records of evidence, including testimony from survivors, families, experts, academics, and Knowledge Keepers, as well as written submissions, statements, orders, and motions on our website. It is a significant record of information now available to the public – a lasting testament of truth for all Canadians.

In many ways, this record is as much a part of the legacy of the National Inquiry as this report itself. While the *Final Report* is the culmination of over 1,000 hours of truths shared with us, it still only scratches the surface of the examination of violence against Indigenous women, girls, and 2SLGBTQQIA people. Our evidence belongs to the public, and is available in video and as transcripts. We hope that academic institutions, governments, policy makers, and individuals who want to better understand these issues will return to this public record. It presents a unique opportunity for Canadians to hear these truths for themselves and change the relationships they have with Indigenous women and girls in their own lives.

## Response to the Denial of a Two-Year Extension

One of the biggest blows to the National Inquiry’s ability to balance the urgency of these issues with the need to do this work thoroughly was the government’s decision to deny the Inquiry its requested two-year extension, providing only a six-month writing extension instead.<sup>66</sup>

The National Inquiry was given an extraordinarily large task to accomplish in a time period that federal, provincial, and territorial jurisdictions, with their knowledge of their own bureaucratic natures, should have known was too short from the beginning. This was profoundly disappointing, and does a disservice to the thousands of Indigenous women, girls, and 2SLGBTQQIA people lost to violence, and to the survivors of violence, some of whom advocated for decades for a public inquiry. As Nahanni Fontaine explained to the Commissioners at the Winnipeg Community Hearing:

Often I'll say, well, we've been working on this for 30 years, if you look at the Highway of Tears. But ... actually we have collectively been working on this for 50 years. If you look at Helen Betty Osborne, if you look at some of the first cases of missing women on the Highway of Tears, those go back actually to the late '50s, right? So, over 50 years, MMIWG families have been quietly, loudly, courageously, resiliently, have been from coast to coast to coast demanding action on MMIWG. It is only because of MMIWG families that we are here today, along with Indigenous women who have stood with families, and have been lobbying, and that voice in support of families.<sup>67</sup>

This extension would have allowed the National Inquiry to hold more Community, Institutional, and Expert Hearings, so we could have heard from more women and gender-diverse people involved in human trafficking and exploitation, who are homeless, who are in federal institutions, and who live in more remote areas and in other regions. An extension would have ensured the ability to look at regional specificities, and into larger or more complex issues.

Most importantly, however, an extension would have given more people a national public platform to speak up and speak out about issues some people haven't ever spoken about before. The opportunity to share one's truth can be remarkably transformational, especially when coupled with a flexible and responsive aftercare program. There are many, many people whose strength still need to be recognized, who are ready to take the next step. We cannot control the outcome of this National Inquiry, but we have done our best to make the process itself a healing one. We wish this National Inquiry could have been that tool for even more families and survivors.

The National Inquiry has done what it can to honour the spirits of those who are no longer with us, and the future generations that are still yet to come, in the time we were given. However, Indigenous women and 2SLGBTQQIA people cannot continue to fall to the bottom of the priority list. They cannot be expected to make do with a few extra dollars here or a new program there.

*Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* calls for real, significant, foundational change. The rest of Canada must be prepared to meet this challenge.

## Foundational Concepts in Understanding Violence

Despite the short time frame to engage in this critical work, the National Inquiry humbly offers this *Final Report* as an important piece of understanding violence in a different context. As many witnesses shared, confronting the epidemic of violence against Indigenous women, girls, and 2SLGBTQQIA people – what the National Inquiry has deemed to be practices that are genocidal – begins with acknowledging the scope of the harm that has been caused. Throughout this report, we use a variety of terms and concepts to help draw critical connections between the experiences

and issues brought before the National Inquiry. Some of these terms and concepts were used by families and survivors; others were used by Elders, Knowledge Keepers, researchers, and activists. Here, we provide a brief explanation of some of these concepts that are critical to understanding why we need foundational changes, not band-aid solutions, to ending violence against Indigenous women and girls.

The National Inquiry uses a broad definition of “**violence**.” We started with the World Health Organization’s definition of “violence,” which involves the intentional use or threatened use of power or force that is likely to cause harm against someone else (for example, interpersonal violence), against a group or community (for example, armed conflict), or against oneself (for example, suicide or self-harm).<sup>68</sup>

These types of violence can take many forms:

- physical (hitting, choking, murder)
- sexual (unwelcome sexual comments, fondling, rape)
- emotional (name calling, jealousy, humiliation)
- psychological (threats, social isolation, stalking)
- spiritual (not allowing someone to practise their preferred spirituality or religion, belittling said spirituality or religion)
- cultural (violence in the name of a culture, religion, or tradition)
- verbal (yelling, lying, telling someone they are worthless)
- financial (not allowing someone access to money, destroying personal property)
- neglect (failing to meet the needs of someone who can’t meet those needs alone)<sup>69</sup>

We expanded that definition to include colonial, cultural, and institutional violence. Altogether, these lead to systemic or structural violence, as well as, in many cases, lateral violence.

**Colonial violence** stems from colonization or colonialism, and relies on the dehumanization of Indigenous Peoples. Colonial violence is perpetuated through a variety of different strategies, including depriving people of the necessities of life, using public institutions and laws to reassert colonial norms, ignoring the knowledge and capacity of Indigenous Peoples, and using constructs that deny the ongoing presence and dignity of Indigenous Peoples. It is also linked to racism. The National Inquiry grounds racism through all of its analysis, insisting that racism takes concrete and devastating forms. Racism, then, must be seen as more than just a set of ideas, but as a set of practices that are grounded in systems that serve to target Indigenous Peoples over generations, undergirding intergenerational and multigenerational violence, and contribute to economic, social, and political marginalization; lack of will; maintenance of the status quo; and the denial of agency, expertise, and value.

The process of **colonialism** is defined as 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 individuals, communities and Nations, and the resulting internalized and externalized ways of thinking and knowing that support this occupation and subjugation. These impositions are race- and gender-based.

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.

While some people refer to the present as “**post-colonial**,” many Indigenous Peoples reject this idea that colonialism is “over, finished business.” As Maori researcher Linda Tuhiwai-Smith says, “This is best articulated by Aborigine activist Bobbi Sykes, who asked at an academic conference on post-colonialism, ‘What? Post-colonialism? Have they left?’”<sup>70</sup>

There are many kinds of violence, particularly within the context of colonization. Colonization is based on the practice of **cultural violence**, in a broader sense than is discussed above. These practices, which can be explained by peace and conflict scholar Johan Galtung, target “those aspects of culture ... that can be used to justify or legitimize direct or structural violence.”<sup>71</sup> This includes Canada’s Western, white-dominant, mainstream culture, where racist attitudes and forced assimilation policies are both examples of cultural violence, since it stems from racist beliefs deeply embedded in Canadian culture.<sup>72</sup>

Systemic patterns of thinking such as racism, sexism, and colonialism also result in **institutional violence**. Institutional violence is perpetrated by institutions such as the military, the church, the educational system, the health system, police and emergency responders, and the justice system. Because these institutions are generally well regarded within society, and operate on specific rules, institutional violence can easily become the “status quo.”<sup>73</sup> This makes them more difficult to challenge or change.

As a result of all these forms of violence, many examples of **structural or systemic violence** become embedded in Canadian society over time. As political scientist and scholar Rauna Kuokkanen writes: “All these systems and structures – colonialism, capitalism and patriarchy – are predicated on violence, whether direct and interpersonal or structural, economic or epistemic.”<sup>74</sup>

**Structural violence** can be understood as the gap between a person’s or community’s potential well-being and their actual well-being, when that difference is *avoidable*. These gaps are due to injustices, inequalities, and other forms of violence embedded in everyday life that privilege some people to the detriment of others. For example, extreme levels of poverty are not, in themselves, examples of structural violence. But when Indigenous women, girls, and 2SLGBTQQIA people are disproportionately affected from extreme poverty, and when state governments and

other institutions could address the inequalities and injustices that lead to this disproportionate level of poverty, but don't, then it becomes structural violence.<sup>75</sup> As explained by Robyn Bourgeois, in speaking about her own approach to understanding violence,

You have to recognize that all of the systems, whether it's class exploitation, whether it is disability and ableist privilege, whether it's racism or colonialism – they all work in and through one another. So, they work in mutually sustaining ways. So, this framework really requires that we pay attention to how all of those things work together.<sup>76</sup>

Because these structures still exist today, “**decolonization**” (or “**decolonizing**,” since this process is still ongoing) is also a key concept. “Decolonizing” is a social and political process aimed at resisting and undoing the multi-faceted impacts of colonization and re-establishing strong contemporary Indigenous Peoples, Nations, and institutions based on traditional values, philosophies, and knowledge systems.

A decolonizing mindset requires people to consciously and critically question the legitimacy of the colonizer and reflect on the ways we have been influenced by colonialism. According to expert in Indigenous research methodologies Margaret Kovach, the purpose of decolonization is to create space in everyday life, research, academia, and society for an Indigenous perspective without its being neglected, shunted aside, mocked, or dismissed.<sup>77</sup>

The ideas of “**resistance and resurgence**” are important to a decolonizing approach. “Resistance” refers to the diverse strategies Indigenous Peoples and Nations use 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 do so. As a related concept, “resurgence” is the increase or revival of an activity or of ideas. 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, as well as the revitalization of languages and cultural practices that have been under attack.

## “She’s not just a picture on a wall”: Privileging the Stories of Lives Lived

These concepts inform our findings, as well as undergird the testimonies of those who shared their truths. These larger concepts, however, don't obscure the most important elements of the National Inquiry's research: the loved ones who are no longer among their families, communities, and Nations. As Bernice C. said about her daughter Jennifer, “She’s not just a picture on a wall somewhere or a newspaper clipping. She’s not just a statistic with the 1,000 or more missing. She was our daughter.”<sup>78</sup>

The truth is, despite the National Inquiry’s best efforts to gather all of these truths, we conclude that no one knows an exact number of missing and murdered Indigenous women and girls in Canada. Thousands of women’s deaths or disappearances have likely gone unrecorded over the decades, and many families likely did not feel ready or safe to share with the National Inquiry before our timelines required us to close registration. One of the most telling pieces of information, however, is the amount of people who shared about either their own experiences or their loved ones’ publicly for the first time. Without a doubt, there are many more.

As witnesses made clear, we can’t forget the people behind those numbers. These women, girls, and 2SLGBTQQIA people are daughters, friends, aunts, mothers and grandmothers. They are present or future teachers, lawyers, nurses, land and water protectors, healers, artists, business-women, foster parents, social workers, community leaders, and more. Most important, however, is the fact that these women had their own hopes and dreams that were unfairly cut short.

Gwenda Y., who testified about her daughter Amber R., remembers her as a bright and loving person who loved sports and children, and was very involved with helping to raise her niece and nephew. Amber was 19 when she went missing and talked about becoming either a teacher or a police officer.

When Gwenda remembers her daughter’s milestones, some of her strongest memories are of Amber dancing. Amber loved Pow-Wows and ceremonies, and they travelled all over Canada and the United States for her dancing. Her outfits were custom-made by her father. When she was younger, the women Elders in their community even asked Amber to be the pipe girl, representing White Buffalo Calf Woman holding the pipe for four days, in the Sundance ceremony, which was a great honour.

Gwenda remembered:

I’d ... just to sit there and watch Amber dance. It was just so amazing to see her glide as she lifted up her shawl. It was like she was flying like an eagle, soaring like an eagle when she danced, and her footwork, as she danced, every step was so light. She was on her toes, and every step was so light, and ... that’s what she reminded me of when I watched her, watched her dance as an eagle soaring as she danced every step.<sup>79</sup>

Sarah N., who testified about her older sister Alacie, explained that “Alacie was wonderful to have as an older sister. She was full of love, and she had touched my inner emotions so strongly. She ensured that I wore clothing, clean clothing, and she always fixed my hair to be presentable, as mothers do.”<sup>80</sup> Alacie and Sarah grew up in the 1970s and 1980s, living a more traditional Inuit way of life with parents who loved and took care of each other. They were taught Inuit values and were raised to

respect others as we respect ourselves and to take care of others. If we see someone in pain, we will help you. We will not just abandon you. We will hear you. This is what we were taught. If a person is hungry, even if you have very little to share, you share anyway.... We like big families with lots of food to share together. It’s an Inuit culture. We still share today like that.<sup>81</sup>

Alacie eventually moved to Montreal with her cousin Lizzie. After her sister's death, Sarah was devastated to find out that the Montreal police had never even mounted a search for her and didn't investigate the death. Alacie's tragic death hasn't taken away the family's memories of a sister and a cousin held so close: as Alacie's cousin Lizzie testified, "She was very kind, and she was very loving.... She was always helping me. She fed me, because ... I was, like, homeless. Not homeless, but I was not making any money.... But, my cousin was there helping me."<sup>82</sup>

These stories of life lived in full illustrate the important need for Canada to confront what Nicole B, called "its dirty-little-secret-self.... Stop saying that this is an Indigenous problem. This is a Canadian problem.... Let's start looking inside ourselves and say, 'I'm responsible for this as well. I am accountable for this and I, as a Canadian citizen, am going to stand up and do something for this.'"<sup>83</sup>

## Sharing Our Findings from the Truth-Gathering Process

Standing up means sharing these stories and seeing the women, girls, and 2SLGBTQQIA people who are often obscured within the numbers. In sharing our findings from the Truth-Gathering Process, this report focuses heavily on the testimony gathered from families, friends, and loved ones of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, as well as survivors of violence, during the hearings, in statements, and through artistic expression. This report centres the testimony of these witnesses to share with the broader public how their lives, families, and communities have been directly impacted by violence and what they believe needs to be done to create change. In each chapter, we present an overview of testimony in order to illustrate key issues, concerns, and experiences witnesses spoke about in relation to this topic. In particular, in keeping with the National Inquiry's mandate, the findings offered here present a summary of the root causes of violence as family members described them in relation to four key themes: culture, health, security, and justice.

These are presented as experiences in common, as well as experiences that are distinctive. In presenting these experiences, we draw from truths shared from every region across Canada, and from various community perspectives. In doing so, we provide examples that reflect some of the families' and survivors' common concerns and provide real-life examples of how a particular issue has impacted an individual, family, or community. For example, in discussing the housing experiences of Indigenous women living in urban cities, we use quotes from a selection of the many witnesses who spoke on this subject to provide some specific examples that reflect broadly the concerns echoed by other witnesses. At the same time, however, because of the depth and breadth of the information collected during the National Inquiry, we encourage members of the public, Indigenous organizations, and future researchers to dive into these further opportunities for research and learning to examine the topics discussed in this report in much greater detail.

Throughout this report, we reference gender diverse and non-binary people as “2SLGBTQQIA,” in order to emphasize our intent to be inclusive of a full spectrum of experiences. While we acknowledge and reflect upon the important differences among non-binary gender identities, for instance in our Deeper Dive sections, as well as in Chapter 11, we maintain that using a more narrow conception of gender diversity limits our ability to convey the extent to which Indigenous understandings about gender and gender identity have been under assault by governments, institutions, service providers, and through discriminatory treatment.

We also made the decision to refer to those who shared their truths as family members and survivors in this report using first names and last initials only. This is because violence against Indigenous women, girls, and 2SLGBTQQIA people is an ongoing issue, and even though everyone quoted in this report agreed to share publicly, we did not want to draw unnecessary attention to individuals and, perhaps, expose them to further risk. However, we do use witnesses’ full names when they shared either in a panel or in an Institutional or Expert and Knowledge Keeper Hearing, since they are not sharing in a personal capacity. In the occasional instances where a witness testified in multiple formats, we use their initials or full names, depending on the format in which they shared their truth.

In addition to an overview of the testimony gathered during the statements, artistic expressions, and Community Hearings, this report also presents testimony from the Institutional and Expert and Knowledge Keeper Hearings (Parts 2 and 3) of the Truth-Gathering Process, as well as other relevant academic research. This allowed us to further contextualize and deepen the understanding of the truths shared by families, friends, and loved ones. This process also allowed the National Inquiry to identify commonalities, differences, gaps, or previous findings and research related to some of the issues families raised as being important to them. Many of the truths families shared offered a deeper, more personal look at issues that have been widely recognized and acknowledged in previous research and by Elders and Knowledge Keepers, front-line workers, and institutional representatives, while other truths point to knowledge gaps that still need to be filled in the future.

We have looked at and included testimony from all regions across Canada in this national report, including the experiences of those in Quebec. In addition, we have produced a provincial study of violence against Indigenous women, girls, and 2SLGBTQQIA people in Quebec, which constitutes Volume 2 of our *Final Report*. This is an example of the kind of regionally-specific work that needs to be done going forward to better understand the challenges and solutions to ending violence against Indigenous women, girls, and 2SLGBTQQIA people in different regions of the country.



## Overview of the *Final Report*

*Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* is split into two volumes, 1a and 1b, for length, but is made up of three main sections, in addition to the final findings of fact and Calls for Justice. This report also includes focused examinations that look at specific issues in more detail. Volume 1a includes Sections 1 and 2, while Volume 1b includes Section 3, our final Calls for Justice, the annex summarizing the work of the Forensic Document Review Project and an overall bibliography. The report specific to Quebec is a separate volume (Volume 2).

### Section 1 – Establishing a New Framework

Section 1 of the report outlines a context that will be helpful for readers in approaching the information presented in the later sections of the report.

In Chapter 1, “Centring Relationships to End Violence,” we introduce key teachings repeated throughout the Truth-Gathering Process about the importance of relationships. As those who shared their truths with the National Inquiry emphasized, understanding what happens in relationships is the starting point to both understanding and ending violence against Indigenous women, girls, and 2SLGBTQQIA people.

In Chapter 2, “Indigenous Recognitions of Power and Place,” we show how Indigenous Peoples have always had their own concepts of rights, roles, and responsibilities within their communities or Nations. These rights are relational and reciprocal, and are based on Indigenous knowledge systems and world views.

In Chapter 3, “Emphasizing Accountability through Human Rights Tools,” we examine human rights instruments Canada has pledged to respect, maintaining that human rights instruments can be a way to hold governments to account, particularly in the relationship between the Canadian state and Indigenous Peoples.

Chapter 4, “Colonization as Gendered Oppression,” argues that the process and history of colonization have jeopardized Indigenous women’s and 2SLGBTQQIA people’s rights to culture, health, security, and justice. Colonization affected women and gender-diverse people both in ways similar to the way it affected men as well as in distinct ways. We examine gendered systems of violence at the root of the crisis of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people today.

This analysis brings us to the conclusion that violence against Indigenous women and girls is a crisis centuries in the making. The process of colonization has, in fact, created the conditions for the ongoing crisis of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people that we are confronting today.

## Section 2 – Encountering Oppression

In Section 2, we focus heavily on the testimony gathered from families, friends, and loved ones of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, as well as survivors of violence, to better understand their encounters with individual, institutional, and systemic forms of oppression. This section is organized according to four main areas of rights violations: culture, health, security, and justice.

In Chapter 5, “Confronting Oppression – Right to Culture,” we look at the importance of culture in relation to violence in the lives of Indigenous women, girls, and 2SLGBTQQIA people. Colonization has altered Indigenous Peoples’ relationships to their culture and identity through concerted efforts designed to sever these cultural and kin connections. Many of the stories we heard from family members and survivors are rooted in these initial and ongoing attacks on culture.

In Chapter 6, “Confronting Oppression – Right to Health,” and with a holistic understanding of health in mind, we consider the consequences of surviving violence or the loss of a loved one on the health of survivors, family networks, and wider Indigenous communities. Their truths reveal specific ways that the health care system responds to Indigenous Peoples, and how the lack of adequate responses can contribute to further harm.

Chapter 7, “Confronting Oppression – Right to Security” engages the concept of human security as distinct from a more limited understanding of the security state. In this chapter, we look at how the physical, social, and economic security of Indigenous women, girls, and 2SLGBTQQIA people is undermined through issues such as poverty, housing, education, and transportation, and how these factors contribute to violence. We also focus on the challenges that Indigenous women, girls, and 2SLGBTQQIA people face in accessing support to address their security related needs.

In Chapter 8, “Confronting Oppression – Right to Justice,” we discuss the right to justice as it relates to the experiences of the families of missing and murdered loved ones. We also look at what survivors of violence told us about their experiences with police, the court system, and the correctional system. These encounters highlight crucial disconnections between Indigenous Peoples and justice systems, in ways that compromise their basic right to justice.

Throughout Section 2, we also take a series of “deeper dives” into topics that present distinct issues or perspectives and offer opportunities to demonstrate how culture, health, security, and justice can create particular challenges for specific groups, institutions, geographies, or other circumstances, within a distinctions-based approach.

## Section 3 – Healing Families, Communities, and Nations

In Section 3, we return full circle to many of the principles and teachings that provided the foundation for Section 1, with a focus on different models of healing and Indigenous-led best practices.