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- 2 Monique F. H. (Cree), Part 1, Public Volume 17, Membertou, NS, pp. 96-97.
- 3 Monique F. H. (Cree), Part 1, Public Volume 17, Membertou, NS, p. 98.
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- 5 Stephanie H. (First Nations, Fort McKay), Part 1, Public Volume 20, Edmonton, AB, p. 129.
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- 33 Harriet L. (Inuit, Nain), Part I, Public Volume 57, Happy Valley-Goose Bay, NL, p. 10.
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- 39 Nikki K. (Inuit), Part 1, Public Volume 46(a), Rankin Inlet, NU, p. 44.
- 40 Marilou S. (Bear Clan, Anishinaabe), Part 1, Statement Volume 563, London, ON, p. 19.



- 41 Annie B. (Inuit, Pangnirtung), Part 1, Public Volume 16, Winnipeg, MB, p. 18.
- 42 Cheryl A. (First Nations), Part 1, Public Volume 11, Winnipeg, MB, p. 29.
- 43 Cheryl M. (Wolf Clan, Mohawk Nation), Part 1, Public Volume 59, Montreal, QC, p. 62.
- 44 Veronica M. (Inuit), Part 1, Statement Volume 263, Rankin Inlet, NU.
- 45 Wabano Centre for Aboriginal Health, “Strawberry Teachings.”
- 46 As cited in National Native Addictions Partnership Foundation (now known as the Thunderbird Partnership Foundation), University of Saskatchewan, Assembly of First Nations and the Centre for Addiction and Mental Health, “Definition of Wellness.”
- 47 Ibid.
- 48 Ibid.
- 49 Canadian Centre on Substance Abuse, “Trauma-informed Care.”
- 50 Courtney B. (Peguis First Nation), Part 1, Public Volume 11, Winnipeg, MB, pp. 9-10.
- 51 The Resolution Health Support Program provides professional counselling, emotional support, and cultural support to those needing care. The program is also instrumental in support of former residential school survivors and family members, outside of the context of the National Inquiry.
- 52 Marilou S. (Bear Clan, Anishinaabe), Part 1, Statement Volume 563, London, ON, p. 19.
- 53 Reepa Evic-Carleton (Inuit, Pangnirtung), Part 1, Public Volume 66, Montreal, QC, p. 17.
- 54 Virginia C. (Métis), Part 1, Statement Volume 117, Saskatoon, SK, p. 8.
- 55 Monique F. H. (Cree), Part 1, Public Volume 17, Membertou, NS, p. 126.



“I am here for justice, and I am here for change”: Commemoration and Calling Forth

Introduction: Beyond Commemoration

Speaking about Mi’kmaw history, Miigam’agan, a Mi’kmaw Elder in residence at St. Thomas University, explained how the ancestors preserved identity and knowledge through artistic expression.

Everything that our ancestors took, [they] turned it into such beauty, such art, and used every tool that they ever had access to, to write, to tell us stories, to record history. So from carvings to paint on the rocks, to tools of beadwork, you know, and the way we dressed, all that was all of stories about our identity, our history and who we are as a people.¹

These expressions by ancestors are preserved now, in the present, in efforts directed toward emphasizing the foundation upon which the National Inquiry is based: that our women and girls are sacred.

This concept goes beyond the traditional confines of what has been understood as commemoration in Canada. Among other changes, the Truth and Reconciliation Commission’s (TRC) Calls to Action have changed the dialogue around commemoration, compelling non-Indigenous Canadians to begin to acknowledge and remember the ongoing impact of colonialism on Indigenous Peoples and communities. The TRC’s Calls to Action 79, 80, 81, and 82 all speak to the importance of approaching commemoration through a new lens. This includes Indigenous representation in decisions on commemoration, the establishment of new initiatives, such as a National Day for Truth and Reconciliation, and residential schools monuments across the country for victims of the system. In addition, Call to Action 83 is a call for the Canada Council for



the Arts “to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process.”²

In the National Inquiry’s *Interim Report*, we supported these calls, and called upon governments to engage in cross-jurisdictional action plans on a variety of issues, including public education and greater public awareness on this crisis. In particular, the National Inquiry called upon the federal government to establish a devoted 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.³

“EVERYTHING THAT OUR ANCESTORS TOOK, [THEY] TURNED IT INTO SUCH BEAUTY, SUCH ART, AND USED EVERY TOOL THAT THEY EVER HAD ACCESS TO, TO WRITE, TO TELL US STORIES, TO RECORD HISTORY. SO FROM CARVINGS TO PAINT ON THE ROCKS, TO TOOLS OF BEADWORK, YOU KNOW, AND THE WAY WE DRESSED, ALL THAT WAS ALL OF STORIES ABOUT OUR IDENTITY, OUR HISTORY AND WHO WE ARE AS A PEOPLE.”

Elder Miigam’agan

In early 2019, the federal government responded with the launch of its \$10 million commemoration fund, with the objective to “honour the lives and legacies of missing and murdered Indigenous women and girls and LGBTQ2S individuals; and, [i]ncrease awareness about missing and murdered Indigenous women and girls and LGBTQ2S individuals.” The fund allows Indigenous organizations and Indigenous governments to access commemoration funds to “work with families, survivors and/or communities” to design initiatives aimed at “honouring, educating, remembering, memorializing and paying tribute to missing and murdered Indigenous women and girls and LGBTQ2S individuals.”⁴ Initiatives can include events like Pow-Wows and healing circles, as well as community monuments and other forms of commemoration. Maryam Monsef, minister of Women and Gender Equality, announced the initiative, adding: “The fund will raise awareness about this ongoing tragedy that has affected Inuit, Métis and Indigenous peoples across this country.”⁵

In many ways, the purpose of the commemoration fund reflects what we heard from family members appearing to testify for a lost loved one, or from survivors speaking out about their experiences. In other ways, though, witnesses appearing before the National Inquiry went further, calling not only for commemoration, but for commemoration activities that ultimately support concrete action and the need to recognize their experiences as rights violations, in order to make change for future generations. In particular, many families noted the need to gather with other families, as well as their own families, in order to remember, to gather strength to move forward, and ultimately, to heal.



This chapter first examines what witnesses shared about the impact of commemoration within their lives, and then links to the importance of calling forth these teachings to reduce violence and increase safety. Then, this chapter examines the many artistic expressions within our Legacy Archive that speak to this important work, as well as the National Inquiry’s engagement in decolonizing practices in caring for them. This chapter shares the important lessons generated through meaningful art engagement and outreach, including our ReClaim Project, led by award-winning artist Jaime Black.

We characterize these expressions, through art, as the act of “calling forth.” This includes calling forth the legacies of those who no longer walk among us; calling forth awareness that leads to concrete action; and calling forth the power and place of Indigenous women, girls, and 2SLGBTQQIA people as a pathway to healing and, ultimately, to safety.

Commemoration and Calling Forth from the Perspectives of Families

For witnesses sharing their truths with the National Inquiry, commemoration included the act of remembering loved ones. In many cases, witnesses discussed the importance of commemoration as a component of healing, as well as of making sure that their loved ones are never forgotten. As Alisha R. explained in regards to her mother, Laura, “I thought being part of something like this would be, like, the closest thing to closure that I will ever get. It’s just so that if she is, like, listening, she can know that, like, I did everything I could. And now she won’t be forgotten.”⁶ Fallon F., whose parents were murdered when she was a child, discussed a memorial held 20 years later:

It was always important for us to remember them, and to continue to have them in our memories. And to make sure that other people do as well, because if we don’t continue, then their memories and what they went through disappears. And it shouldn’t be forgotten.⁷

“I THOUGHT BEING PART OF SOMETHING LIKE THIS WOULD BE, LIKE, THE CLOSEST THING TO CLOSURE THAT I WILL EVER GET. IT’S JUST SO THAT IF SHE IS, LIKE, LISTENING, SHE CAN KNOW THAT, LIKE, I DID EVERYTHING I COULD. AND NOW SHE WON’T BE FORGOTTEN.”

Alisha R.

Many witnesses also pointed out the importance of events, or markers, within the commemoration of their loved ones. Some of these events were public, and some, more private. In many cases, public and personal commemoration combined to create important healing experiences.



Markers or monuments in honour of victims were diverse, depending on the community in which they took place. As Marie P., testifying for her sister, Virginia, said:

We have [a] sister spirit walk. What else do we do? We do gatherings. We put a quilt up on our reserve ... we had a quilt of ladies – women and men that were missing and they have it on a quilt. It's on display there in our gymnasium and we have a lot of support.⁸

Shaun L., testifying about his mother, Jane, indicated how markers and monuments aren't just about memorializing, but about acknowledging the important legacy of those who might otherwise be painted simply as victims. As he explained:

One thing is there has to be a memorial in every community, First Nations community, with the names engraved of all the women, names not to forget... We have to have, I don't know, a symbol or something where those names are engraved and there forever. Because they did something. They did something great. They brought in the next generation. My – my family and my friends who sit behind me, their mom, their grandma gave them some amazing life lessons and those have to be remembered.⁹

Shaun's testimony speaks to the importance of commemoration as a way not only to remember those who no longer walk among us, but also as a way to call forth the legacies they have left for the future.

Many witnesses also identified how attending events and participating in community could help other families as well as contribute to their own healing journey. Harriet L., testifying about her daughter, explained:

I do a lot... I help with [the] Take Back the Night March in September. I attend vigils when I can. I attended Sisters in Spirit vigil[s] and my daughter's picture is always up in other vigils... That's how – that's how our Inuit ancestors lived, to let go so that we can – so their spirit can be set free.¹⁰

Similarly, for many people, the National Inquiry represented a forum in which these memories could come alive and serve another purpose. As Ruby F., testifying in relation to her sister, said, "But I was really happy, given the opportunity to speak about my sister Linda [F.], because all my life it felt like I needed somebody to know something about my sister."¹¹

"IT WAS ALWAYS IMPORTANT FOR US TO REMEMBER THEM, AND TO CONTINUE TO HAVE THEM IN OUR MEMORIES. AND TO MAKE SURE THAT OTHER PEOPLE DO AS WELL, BECAUSE IF WE DON'T CONTINUE, THEN THEIR MEMORIES AND WHAT THEY WENT THROUGH DISAPPEARS. AND IT SHOULDN'T BE FORGOTTEN."

Fallon F.



Daniel B. also explained why it's so important to remember.

It's important that as many people come forward as possible because, I mean, these stories are what – you know, it's what's going to benefit, you know, trying to make this happen, because if we don't talk about the stories of these women, you know, they're forgotten. If they're forgotten and their stories are forgotten, what do we have to come back on? You know, what do we have as proof or evidence that, you know, these are the effects of what has happened and this is what's going to continue to happen for years to come?¹²

Many witnesses also testified to the idea that, beyond creating action for future generations, their loved ones' experiences provided strength – were called forth – as a way to contribute to reclaiming power and place in the present. Many testimonies, from diverse Indigenous perspectives, included these themes. When asked how she would like her loved one remembered, Martha A. U. explained: "I would like her – her character to be emulated because she was able to help other people that needed clothing or in need of food to fill their stomachs. I think Canadians, you would learn of her character, that's how we should live as Canadians."¹³ Delilah S., speaking in relation to the murder of her sister, Loretta, expressed a similar sentiment: "She's someone that I still look up to and that I feel really guides me. And someone who – who's still teaching me today through the conversations that we've had and the things that she's lectured me on. But she – she's still very much in my heart."¹⁴

Cheryl M., testifying in relation to her sister Carleen, explained how dancing in her sister's regalia helps her to call forth.

I know when I put on that regalia, she dances with me. And I have to honour her, honour her for showing me how life ends or life begins; and she was my greatest teacher. And in our way, when someone dies, they say, "They came in our lives for a reason, to teach us." And so, she was my teacher. She showed me how to be strong, how to communicate if someone's mistreating me. How to love my kids when I didn't feel like it because I was grieving or I was angry. She taught me to love them, and I did the best I could.¹⁵

In relation to Jessica, her cousin, Nikki K. said: "I always say the strength that I have now ... is because of Jess. She shows me something and does something for me to know that she is there for me and guiding me and helping me. I believe that 100%."¹⁶

Some witnesses directly connected to what the loss of their loved one and the calling forth of those memories mean in concrete terms. Laura M., testifying in relation to her aunt, talked about the importance of calling forth and connecting with reducing violence for future generations: "How can the Inquiry honour my loved one, Betsy [K.]? There are many ways you can honour a young woman's life in future generations of Inuit that will go ahead of her."¹⁷ Laura went on to specify important areas for improvement in services and safety for Inuit women.



Similarly, for Fallon F., the most important part of remembering victims is about addressing the causes of violence that led to their death or disappearance in the first place: “Make the changes. That’s the best I can say. No memorial. That’s not going to do anything. Make the changes that need to be done. It has to stop; otherwise, it’s just going to continue.”¹⁸

“I KNOW WHEN I PUT ON THAT REGALIA, SHE DANCES WITH ME. AND I HAVE TO HONOUR HER, HONOUR HER FOR SHOWING ME HOW LIFE ENDS OR LIFE BEGINS; AND SHE WAS MY GREATEST TEACHER. AND IN OUR WAY, WHEN SOMEONE DIES, THEY SAY, ‘THEY CAME IN OUR LIVES FOR A REASON, TO TEACH US.’ AND SO, SHE WAS MY TEACHER. SHE SHOWED ME HOW TO BE STRONG, HOW TO COMMUNICATE IF SOMEONE’S MISTREATING ME. HOW TO LOVE MY KIDS WHEN I DIDN’T FEEL LIKE IT BECAUSE I WAS GRIEVING OR I WAS ANGRY. SHE TAUGHT ME TO LOVE THEM, AND I DID THE BEST I COULD.”

Cheryl M.

The Legacy Archive

Honouring the lives of women, girls, and 2SLGBTQQIA people for future generations is an important theme that animates the National Inquiry’s own research and engagement; the idea of linking to this theme through art is the foundation of the Legacy Archive.

The Legacy Archive is based on the idea that art in particular is a powerful tool for commemoration and for calling forth. It can send a message of hope, resilience or reconciliation. Artistic expressions can bear witness to injustice, recognize the human dignity of those who are targeted, and raise awareness that will ultimately hold accountable those who are responsible for the violence that persists today and ultimately, effect change. Art is also an important tool for healing. As expressive arts therapist, philosopher, and educator Stephen K. Levin has found, art is important because “there is in the use of art a capacity for self-expression that is desperately needed by those who suffer intensely.”¹⁹

The National Inquiry’s Legacy Archive is a key component of ensuring that families and individuals are able to remember and to call forth their loved ones in deeply personal expressions aiming to raise and to support their memories, as well as to raise awareness of the crisis of violence. As Alisha R. testified, art provided an outlet for her to redirect her energies.

I don’t go out very often anymore. I stay home and I do art now. I needed a hobby. Something, like, safe, and something I could do by myself ... and that was, like, just healthy.... So I chose painting. So, that’s what I do now.... It’s a quiet life but, like, when I think of, like, what I’m going to get at the end, it’s worth it.²⁰



Art also represents a way to share that may be more accessible for some than communicating in words. Principal Biilts'ik Colleen Austin, an educator appearing as part of a panel with the 'Na Aksa Gyilak'yoo School (Kitsumkalum First Nation), explained: "Education can be so impactful – so much more impactful when it's done with artistic expression... This is how our youth learn, and know, and understand so well, and this is how they get the confidence to be here today."²¹

Travis Hebert, of the hip hop duo Mob Bounce, echoed the sentiment in his testimony to the National Inquiry.

You know, the way that we live is through art, whether it's carving, painting, dancing, singing, drumming, all of it is there. It's like the foundation of who we are. And so that needs to be fostered a lot more in education. You know, like creativity should be, you know, at the centre of education, because that's who we are.²²

The practice of creating art, for some, is also a means to take powerful messages to those who need to hear them the most; their art represents a form of activist art. Artist Helen Klebesadel defines "activist art" as "historically specific ... [and which] aims to address particular cultural, political and social concerns with a view to producing concrete social change."²³ Klebesadel argues:

The arts and culture can teach our citizens to be critical thinkers that can analyze social messages and decide for themselves what they believe. The arts are a place where we share our differing belief systems in ways that allow us to learn to understand each other, and they help us to define our values as communities, and as a larger society. The arts can be a place of original discovery and deep social criticism.²⁴

This idea echoes what many witnesses, and artists, expressed. For example, as Halie B. described her efforts:

I have participated in various art projects. The most recent one is one called "Testify," which is an exhibit put on by the Indigenous Laws + the Arts Collective, that pairs lawyers, Indigenous and non-Indigenous legal thinkers, with artists, to explore areas of Indigenous laws.... One of the things I wanted to do was to challenge this notion that I came across in law school called *Racine v. Woods*, where the judge in that case decided in favour of a non-Aboriginal foster parent, that, in the words of the court, culture abates over time. Bonding doesn't matter. "Culture abates over time." *Racine v. Woods*.²⁵

As these examples demonstrate, the links between art and culture, art and healing, and art and justice were important for many witnesses, whose own art practice arose directly out of the violence they or their loved ones experienced. The question of how to properly care for these expressions, and to make sure they are accessible to the public, is what animates the National Inquiry's practices within the Legacy Archive.



The Legacy Archive acknowledges the power of archives and the important gaps that exist in framing Indigenous histories and perspectives. For this reason, the National Inquiry takes on an activist archival approach where it actively collects records – specifically, artistic expressions – in order to promote rights of victims, to include Indigenous cultures from around the country, and to make people aware of the violence that witnesses and their families have faced, for educational, research, and outreach purposes.

The Legacy Archive has collected artistic expressions through donations (from family members of missing and murdered loved ones, intergenerational survivors, and those working toward reconciliation), education projects, or acquisitions from artists and storytellers with an interest in the subject. The Legacy Archive houses over 340 artistic expressions created by over 800 participants. It is an archive that allows art by all people, Indigenous and non-Indigenous, and in any language from anywhere in the country, with the provisions that the expression address culture, healing, justice, and commemoration of Indigenous women, girls, and 2SLGBTQQIA people, and/or draw attention to violence against Indigenous women, girls, and 2SLGBTQQIA people. Subjects could include Indigenous historical knowledge, culture, language, acts of resistance, activism, the honouring of those who are missing and murdered, acts of commemoration or reconciliation, and art as a means of healing.

“YOU KNOW, THE WAY THAT WE LIVE IS THROUGH ART, WHETHER IT’S CARVING, PAINTING, DANCING, SINGING, DRUMMING, ALL OF IT IS THERE. IT’S LIKE THE FOUNDATION OF WHO WE ARE. AND SO THAT NEEDS TO BE FOSTERED A LOT MORE IN EDUCATION. YOU KNOW, LIKE CREATIVITY SHOULD BE, YOU KNOW, AT THE CENTRE OF EDUCATION, BECAUSE THAT’S WHO WE ARE.”

Travis Hebert

The Complicated Nature of Archives

While, from the outset, the National Inquiry acknowledged the need to properly steward these important expressions, it also recognized that archives are laden with a colonial history that has often contributed to the erasure of Indigenous voices. As archivists Joan Schwartz and the late Terry Cook contend, traditionally, archival records are all about “maintaining power, about the power of the present to control what is, and will be, known about the past, about the power of remembering over forgetting.” In this context, they can serve to “wield power over the shape and direction of historical scholarship, collective memory, and national identity, over how we know ourselves as individuals, groups, and societies.”²⁶ For example, when archivists appraise and select, arrange, describe, and preserve records, they convey particular values. Records also reflect the purpose of the creation of the record, the desires and requirements of its creator, as well as the legal, technical, organizational, social, and cultural-intellectual context in which the creator was operating, and under which the records are accessed in the present. Archivists Joanne



Evans, Sue McKemmish, Elizabeth Daniels, and Gaven McCarthy reinforce this statement by explaining how both the records and the institutions that keep them are places of power, expressed through the laws, policies, culture, ethics, theories, and models upon which they are founded.²⁷

While archives may, traditionally, uphold oppressive power structures, they can also work in a different way. As Schwartz and Cook point out, “Archives have the power to privilege and to marginalize. They can be a tool of hegemony; they can be a tool of resistance.”²⁸

One way to overcome the challenges of the colonizing archive, argues Mick Gooda, a Gangulu person from Central Queensland and a Royal Commissioner for Australia’s Royal Commission into the Child Protection and Youth Detention Systems of the Northern Territory, is for archives to implement articles from the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). He suggests that these principles can be used as a type of quality assurance for archives. Gooda believes that the right to self-determination; participation in decision making; free, prior, and informed consent; resetting relationships; and cultural rights are the key points an archival institution can take from UNDRIP. Gooda suggests that the right to self-determination allows

Indigenous peoples to be central players in record keeping processes from the beginning. Their voices, aspirations, cultures and their value and knowledge systems must be respected and accommodated. The onus is on the institutions of archiving and record keeping to evolve in order to accommodate Indigenous peoples, rather than on Indigenous peoples to conform to mainstream practices.²⁹

Additionally, he stresses that having Indigenous Peoples or communities participate in the decision-making process improves the lives of that people and community.

UNDRIP has also been cited in a Canadian context as an important tool for archives to incorporate into policies that address the management of Indigenous archival records, or records that incorporate Indigenous knowledge. Several of the TRC’s Calls to Action identify UNDRIP as the “framework for reconciliation” (for example, calls 43, 46, and 92). Calls 69 and 70 specifically enjoin archives to apply UNDRIP.

In addition to applying UNDRIP, the TRC’s Calls to Action also suggest the need to apply what are known as the Joinet-Orentlicher Principles on the Preservation and Access to Archives Bearing Witness to Human Rights Violations. Their roots lie in a set of principles approved in 1997 by the United Nations Human Rights Commission and recommended by United Nations Special Rapporteur Louis Joinet in his report on the question of the impunity of perpetrators of human rights violations, and which were updated by lawyer Diane Orentlicher in 2005. The Joinet-Orentlicher Principles attest to the power of archival records and outline the resulting responsibilities of archivists, including the need to provide avenues for victims to access records about themselves created by state, military, intelligence, and police services. Furthermore, the



Joinet-Orentlicher Principles also push for penalties for those who falsely conceal, destroy, or remove important records from archives, especially those from agencies that are responsible for the protection of human rights and security agencies.³⁰

These principles have enormous implications for archives and archival theory. Essentially, these principles propose that an archive must:

- facilitate access to relevant records for the marginalized or violated community;
- create measures for preservation of these records;
- build relationships among archives, the courts, and extra-judicial commissions of inquiry; and
- take measures relating to the management of the archive with respect to restoration or transition to democracy and/or peace.³¹

By applying all of these principles, the National Inquiry developed a set of policies governing the Legacy Archive that centres decolonizing Indigenous protocols for archives from its very foundations. Beginning with UNDRIP, the Legacy Archive’s policies include articles 8.1, 11.1, 12.1, 15.1, and 31.1.³²

Article	Legacy Archive Policy
UNDRIP 8.1	The Legacy Archive will be inclusive and will collect all artistic expressions that share Indigenous knowledge, especially materials used to relay knowledge about Indigenous traditions, culture, acts of resistance to colonialism, special events, and historical truths.
UNDRIP 11.1	The Legacy Archive will preserve any artistic expressions that are donated, including records of performative arts, ceremonies, sculpture, written text, paintings, and much more.
UNDRIP 12.1	The Legacy Archive will adhere to all ceremonial and traditional protocols that go with the donation, as per donor’s request. Further, the Legacy Archive will adhere to all access and privacy restrictions, based on any cultural, spiritual, and ceremonial traditions as instructed by the donor.
UNDRIP 15.1	The Legacy Archive acknowledges, and is aware of, the diversity of Indigenous cultures and Nations, and will be sensitive to, and stay away from, any type of pan-Indigenous teachings and descriptions of any artistic expressions donated.
UNDRIP 31.1	With that, the Legacy Archive will always allow a donor to change her/his/their minds about her/his/their donation in any capacity (continuing consent) and apply standards of free, prior, and informed consent. The power of ownership will always stay with the donor. The Legacy Archive will always be respectful of the relationship, and honour the donation for which it was given.



In addition, the Legacy Archive also worked to operationalize the following Calls to Action:

Call to Action	Legacy Archive Policy
TRC Call to Action 13	The Legacy Archive will accept archives in any language, especially those that are in any Indigenous languages, and the Legacy Archive will take on the responsibility of getting the records translated into English and French. This makes the records accessible to the public across the nation, but the Legacy Archive primarily aims to preserve the record in the donor's preferred language.
TRC Call to Action 79	The Legacy Archive will integrate Indigenous values, practices, and ceremonies into the processes of archiving, including use of language and the handling of Indigenous objects. Further, the Legacy Archive will work with donors to share the story about their donation; a variety of recording options (either audio, video or written text) are available to preserve the donor's statement about their art and its meaning, so that donations truly reflect the donor's voice. This provides the user with a more engaged, emotional, and powerful relationship with the artistic expression.
TRC Calls to Action 43 and 44 (with UNDRIP)	The archive will inform a donor about the nature of this archive, how the records donated to their archive will be used, and recognize the conditions under which knowledge can be ethically and legally acquired.

The Legacy Archive has also implemented the best practice protocols for Indigenous archival materials that were published by the First Archivists Circle, known as *The Protocols for Native American Archival Materials*. These protocols establish the importance of building relationships of respect and understanding the wishes of people/communities; they stress the importance of discussions of education for the public and of understanding the issues surrounding the Indigenous people/communities. The Legacy Archive has implemented these protocols throughout its policies.

Artistic Expressions from the Legacy Archive

Many artistic expressions within the Legacy Archive honour those who no longer walk among us, and, in doing so, illustrate the importance of relationship and of community for those loved ones who remain.

Commemoration

At the hearings, witnesses were able to put artistic expressions into the *Miskwaabimaag* Basket. The *Miskwaabimaag* Basket was created by a group of Indigenous *kwe* (“women”) in Manitoba: the *Miskwaabimaag* Collective (“red willow collective”). The basket was gifted to the National Inquiry into Missing and Murdered Indigenous Women and Girls to assist the Commissioners as they gathered the stories of loved ones, families, and survivors of violence. For many Indigenous Peoples throughout the world, baskets are used to gather things that support our *mino-biimaadiziwin* (“the good life of all beings”). *Miskwaabimaag* (“red willow”) is used by many Indigenous Nations across Turtle Island. It is often used in ceremony to demonstrate respect and to



provide spiritual protection. The red willow used for this basket was harvested near the *Manito Api* sacred site, a place where Indigenous people have gathered for ceremony for thousands of years.

The basket represents kwe; it symbolizes our continued connection to land, language, and culture through the ceremonies and teachings of our grandmothers. It is a visible reminder of women's important role in building, strengthening, and repairing relationships. As the National Inquiry



The National Inquiry included the Miskwaabimaag Basket (red willow basket) at each of the hearings to symbolize the process of gathering truths, which are then woven together as a whole.

undertook its work, the basket held all of the truths that are gathered by the Commissioners. These stories are teachings that help identify ways we can work together toward a collective good life.

For example, Gerri Pangman and Kim McPherson, who testified at the Winnipeg Community Hearing on behalf of their loved one, Jennifer McPherson, donated a dream catcher Christmas ornament and stained glass feather. As they explained, Jennifer used to make ornaments herself, and making the ornament, which was placed in the Miskwaabimaag Basket during the ceremony, was an important way to honour Jennifer and her creativity. To each ornament they make, Gerri and Kim attach a card explaining who Jennifer is so that she is never forgotten.



Glass feather, Gerri Pangman and Kim McPherson, AF A2017-0013.2.

There were multiple donations in memory of babies at the Malietenam Community Hearing. Many people

talked about babies taken away for often questionable “medical reasons,” who were frequently never seen again. To this day, families are unable to get details of what happened to their babies or get death certificates.



Agnes Poker is an Innu woman from Pakua Shipi, Quebec, who donated a heart-shaped swaddle with embroidered baby socks, booties, a baby bottle, and mitts. This represents the shocking rape and murder of a baby in foster care in the 1980s. Marie-Louise Mark, an Innu woman from Pakua Shipi, knitted a pair of baby socks and donated them



Heart Shape Swaddle w/Accessories, Agnes Poker AF A2017-0038.1.

on behalf of her son, who was taken and is one of the missing from the community. He was taken at just 10 months old. Brown baby booties were donated by the Unamen Shipu Women's Association.



Brown baby booties, Simone Bellefleur on behalf of Unamen Shipu Women's Association, AF A2017-0040.1.

These booties represent the first steps of the baby and also protection of the baby, and so the empty booties represent the spirit of the missing baby.

Mothers also featured in many of the artistic expressions received. *Motherly Love* was painted and donated by Dee-Jay Monika

Rumbolt, whose Inuk name means Snowbird, from Port Hope Simpson, Newfoundland. A member of NunatuKavut, Monika donated *Motherly Love* in Happy Valley-Goose Bay. Monika remembered how hard her mother worked as a provider and protector for their family:

“She was so loving and so compassionate ... and her compassion for others, her dedication, her strength, made me what I am today and is incredible that we got this far.... She's like no other person ... I'm going to do her justice.”³³



Motherly Love, Dee-Jay Monika Rumbolt (Snowbird), AF A2018-0008.1.



Some works of art were community collaborations, including the wooden star blanket curated by a Cree artist, Jessica Slater, composed of 128 individual tiles. Each tile was hand-painted by survivors and families affected by missing and murdered Indigenous women and girls at the Saa-ust Centre in



Community Art Piece,
Saa-Ust Centre, AF A2018-0049.1-0049.128.

the Downtown Eastside while the National Inquiry was in BC. The Saa-ust Centre is a space for families and survivors affected by missing and murdered Indigenous women and girls, an idea brought to life by the City of Vancouver’s Urban Indigenous Peoples Advisory Community. Saa-ust Centre opened its doors to the National Inquiry as a pop-up location for statement gathering in the spring and summer of 2018, where the survivors and family members could make a statement with the National Inquiry and share their thoughts on small wooden tiles that made up the star blanket. The tiles were beautifully illustrated with feathers, red dresses, flowers, and the medicine wheel. Some had encouraging words: “Our Women and Girls are Sacred,” “Gone but Not Forgotten,” “Justice,” “Cultural Resurgence,” “Cultural Healing,” “Truth-Respect-Humility-Love-Wisdom-Courage-Honesty,” “Hope,” “We Stand Together,” “Beautiful,” and “We are All One – Namwiyut.”

Jason Sikoak, an Inuk man from Rigolet, Nunatsiavut, painted the watercolour *Sister Drummer in Faded Red*, along with an accompanying poem of the same name. The watercolour depicts an Inuk woman drumming and was created in memory of a loved one, Elaine Flowers. The poem reflects the heavy emotion one carries of the loss of a loved one.



Sister Drummer in Faded Red, *Jason Sikoak, AF A2017-0017.1.*



Her amauti is empty ...
She carries no child ...
Her burden is heavier than any.
She carries with her the names:
... of the missing
... of the murdered
... of the lost mothers, sisters, and daughters ...

The red is fading from the fabric of her amauti as the struggle of those left behind fades from the consciousness of those not mourning the loss of a sister ... a mother ... a daughter ...
Faded also, by the salt of the tears as we mourn those taken from us ...
Her song, her drum, her voice ... will never fade ...
She drums to have them remembered ...
Those lost to us forever ...³⁴

The Legacy Archive also received musical expressions. For example, Vince Fontaine donated his song “Through the Flood,” with the accompanying music video. The song addresses violence and the crisis of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people. Vince’s daughter Gabrielle Fontaine sings in the song performed by Vince’s band, Indian City. As Vince explained:

It is our small and humble contribution to this tragic issue.... We want to remember those we have lost, and share the weight with families in pain. Socially, we want to foster a future of healing and positive change. Politically, we want to continue the conversation of equal weight to tragedies across the communities.³⁵

Musical expressions to the archive also included a song by Adele Keyes about the suspicious death of Annie Pootoogook, an Inuk artist from Cape Dorset, Nunavut, who was found in the Rideau Canal on September 19, 2016. Adele wrote the song, as she explained in donating her expression, “in honour of Annie, the legacy she left behind, and the questions that remain concerning her tragic passing.”³⁶

As these expressions demonstrate, individuals and organizations who donated to the Legacy Archive shared deeply personal recollections of those who have been taken through many of the rights violations detailed within this report. These donations represent important touchstones for commemoration, as well as for calling forth, to work toward eliminating violence against Indigenous women, girls, and 2SLGBTQQIA people.



Healing

The Legacy Archive also received many expressions calling attention to healing, both personal and collective, from the historic and ongoing traumas of colonialism.

For example, a heart puzzle collage was donated through the British Columbia Bereavement Helpline at the Vancouver Community Hearing. This heart puzzle collage was made by family members of missing and murdered Indigenous women and girls. The family members participated in the first annual Sisters in Strength Wellness Retreat



Sisters in Strength, Melodie Casella on behalf of the BC Bereavement Helpline, AF A2018-0019.1.

held in October 2017 at Sts'ailes Lhawathet Lalem (Sts'ailes Healing House). The wellness retreat was hosted by the British Columbia Bereavement Helpline and organized by Terry Androvsky (counsellor support). Each woman was given a puzzle piece to create a memorial to their loved one with various art supplies. When put together, the pieces formed a heart. Each broken piece could be put together to reveal strength, love, and beauty. One of the women took her piece home, which left a hole in the heart. This happened for a reason: it expresses how family members live the rest of their lives with a piece missing from their heart. Members stated that “being in a grassroots setting with ladies who also understand grief and loss, it brings forth the healing along with strength.” Another family member stated that it “helped me gain my balance once again.”³⁷



Etched vase and medicine, Gerri Sharpe, AF A2018-0001.1 to 0001.2.

Gerri Sharpe made the etched vase pictured on the left at a glass workshop with Robbie Craig, a northern artist. On the sides of the vase are etchings of wind and on the front, an etching of a muskox. In her testimony at the Yellowknife Community Hearing in January 2018, Gerri shared that muskoxen give both meat and strength, and that they protect their young by forming a circle around them. She also donated a smudge that accom-



panies the vase, made up of ground sweetgrass, cedar, tobacco, and sage. It is the last smudge from Walking With Our Sisters, for which Gerri was the keeper of the sacred bundle. She gifted the vase with the smudge to the National Inquiry during her testimony at the Community Hearing in Yellowknife, Northwest Territories.

In Quebec, a sacred antler was donated by Jean St. Onge, an Innu man from Uashat mak Mani-utenam, at the Community Hearing in Maliotenam. He shared the story behind the antler in a video. The sacred antler has travelled with the National Inquiry since then, and was part of the National



*Sacred antler,
Jean St. Onge, AF
A2017-0035.1.*

Inquiry's sacred bundle at each hearing. Jean spoke of the oral history and importance of the master of all animals, "Papa Kasi," and how he is the protector and helps the others to survive. That is why he put a caribou antler on the base: so it will help us find our direction. The base is painted in red, signifying Indigenous Peoples, and the closed flowers painted on the base represent witnesses before they testify, when they are closed off to the world. There are also open flowers, and the open flowers are the witnesses after they testify.



*Wall Mural – Bear Clan,
Veronique and Brigitte
André, AF A2017-0041.1.*

Also from Maliotenam, Veronique and Brigitte André donated a bear wall mural, which hangs on the wall. It was created by Brigitte in memory of their parents. As they explained, the bear is very important in their community in many ceremonies; the spirit of the bear is a symbol of strength and bear oil is used as healing medicine. In addition, their father was a hunter.

Veronique and Brigitte offered this mural as a way for families to begin healing and to give them courage on their journey. They also offered the mural in memory of their uncle and aunt who went missing many years ago.



Walk with Us and Bella Spirit, Nicole Carpenter, AF A2018-0014.1 to 0014.2.

Walk with Us and Bella Spirit is a piece in two parts painted and donated by Nicole Carpenter, a member of the Heiltsuk First Nation, from Bella Bella, British Columbia, who came to the Vancouver Community Hearing to support her sister. These paintings show Nicole's community of Bella Bella from the view of her grandmother's house on the beach and represents the strength that has been passed down from

her grandmothers: the family was her grandmothers' strength; she and her sister were her mother's strength; and her daughter, mother, and sister are her strength. When asked where she finds her strength, Nicole, who is a single mother, responded, "Family, community ... [but] when I'm really down I have to remind myself why I'm doing it, everything is for my daughter ... so I get a lot of strength from her, my mum, and my sister."³⁸

Some healing cultural expressions were also oriented toward youth. For instance, Travis Hebert, works with N'we Jinan, the non-profit organization that creates educational and artistic expression opportunities for Indigenous youth and that worked with the youth from Kitsumkalum First Nation discussed in Chapter 9. As we explored earlier, Travis presented to the Commissioners at the Smithers Community Hearing on the importance of artistic expression as evidence, and on the vital role it plays in the lives of Indigenous youth. Travis donated the CD by N'we Jinan³⁹ titled *Silent War: Volume 5*, which is described on their website as follows:

There is a story that has been blowing in the winds of our history. Many generations ago, an elder from the mountains shared a prophetic tale about a group of leaders united through music, prayer and love. Fully armoured, ready for battle, prepared for the risk; the story of the silent war is ready to be told by hundreds of young Indigenous voices, in hopes to shed light on the darkest truths of our beautiful country.⁴⁰

Travis and his business partner, Craig, work together providing workshops to Indigenous youth. Mob Bounce has been actively doing youth work since 2011, helping to combine traditional and spiritual expressions of Indigenous cultures with contemporary methods of musical and artistic expression.



Justice

Many of the expressions explicitly sought to promote justice, building on previous projects already created by other artists. Artist Jaime Black, who created the REDress Project as a public art installation that aims to raise awareness about missing and murdered Indigenous women and girls through the hanging of red dresses, attended the Saskatoon Community Hearing and handed out red satin ribbons to families and survivors. She explained that the gesture was about “having loved ones represented and heard and to bring visibility to the issue.... It makes for a really amazing conversation between people who may not be experiencing any violence in their families and people who are directly experiencing it.”⁴¹



Walking a path; never alone,
Nadzin DeGagné, AF A2017-0028.1.

Black’s REDress Project has influenced many people in their own art expressions in the Legacy Archive. For example, Nadzin DeGagné, from Quebec, of Algonquin and European ancestry, created a red-dress painting on canvas called *Walking a path; never alone*. Inspired by the red-dress art, she created her own expression: a painting of trees with red dresses hanging from them.

Five felt red-dress pins were placed in the Miskwaabimaag Basket at the Winnipeg Community Hearing by the family of Nicole Ashley Daniels during their testimony. The dress pins were made by Nicole’s sisters the night before the family testified, and were worn by the family. Commissioner Audette asked if they would place them in the basket.

In Smithers, there was the Red Dress Brooch campaign. As explained in a note attached to each brooch,

Bringing awareness of the Highway of Tears and of all missing and murdered indigenous and non indigenous women and girls throughout Canada, in an effort to help the Families by donating a portion of the sale of each “Handmade Red Dress Brooch” to affiliated non-profit organizations. Design Initiative by Mi’kmaq Artist: Margaret Cranford.



Red-dress pin, Red Dress Community Care Project.

These were handed out to people at the hearings.

In Thunder Bay, there was the Red Dress Community Care Project, put on by Walking With Our Sisters, who had a series of bead-ins to create hundreds of red-dress and heart pins for attendees and witnesses as a way of

showing that, as a community, they care about them.

Beverly Beckly donated the *Red Dress Diaries* on behalf of her partner's cousins, and all Indigenous Peoples of Alberta and western Canada, at the Edmonton Community Hearing. The *Red Dress Diaries* consists of 54 poems, numbered backwards, symbolizing the 54% of the missing and murdered women who are from western Canada. Among them, the poem "Sunshine" poignantly describes the stark distinction between life and death, for one person.

In this time she's missed the most
a summer girl of copper skin
eyes that laughed
sang a youthful song
closed and dreamed a million lights
prospecting time
counting down to happiness and love
even in the lean mean years that sparkle was there underneath a cot of dirt.
does dirt cover her now?

No more shine through?
dull grey silence
no laughter, no song, no movement?
lost upon the rotting?⁴²



Awareness and Empathy

Though not all about red dresses, other pieces from the Legacy Archive also signal the way in which the National Inquiry has helped to raise awareness of the crisis of missing and murdered Indigenous women, girls, and 2SLGBTQIA people — an awareness due, in part, to art.



“J'existais” bookmark,
Jeannette Vollant,
AF A2018-0009.1.

Jeannette Vollant, a member of the Innu Nation from Pessamit, Quebec, donated a bookmark in Montreal. Jeannette donated it to the Legacy Archive in memory of her loved one so that she, and all the other women, are not forgotten. The dark forest path on one side of the bookmark represents all missing and murdered women. On the other side, the same forest path, now brightly lit by sunlight, has a silhouette of a woman with her hands in the shape of a heart and the words “J'existais” (“I existed”) to remind us that these women existed, that they were alive.

A star blanket with a white buffalo, a dream catcher, and a talking stick were made and donated by Darlene Clarke, who is First Nations from Peguis First Nation, in memory of her sister, Kimberly Clarke. The background of the star blanket is red, representing the families that have been affected, and there is a white buffalo in the centre, a symbol for a call for change. Annie Ross, who is Maya, donated a painting titled *'til victory*. It was created “in memory of those whose lives were taken.” In her description of

her piece, Annie talks about the statue *Nike of Samothrace* (called *Winged Victory of Samothrace*) and how it is invincible, and stood for centuries. She writes, “To my beloveds/relatives/sisters, everyone, especially those referred to as the MMIWG – we shall prevail till victory (justice, peace, right to life for all living beings).”⁴³

The Legacy Archive also received submissions from non-Indigenous people whose perspectives had been changed through hearing many of the testimonies. Hermina Joldersma, a non-Indigenous Canadian from Yellowknife, made and donated a quilt entitled *In My Heart*. The quilt, which has a red beaded heart on it, stands as a tribute to all those who participated in the National Inquiry. Hermina learned to bead the heart by working with traditional beading artist Margaret Nazon from Tsiigehtchic, Northwest Territories, in creating the backdrop for the Yellowknife Community Hearing.



In her written description of the quilt, Hermina writes,

Listening to the moving testimony at the Yellowknife hearings of the MMIWG Inquiry, I was inspired to create a quilt celebrating both the resilience and courage of all those who tell their stories and how their testimony makes it possible for the rest of us to hear and bear witness.

In listening to testimony, she was

struck by the way in which the simple fact of the Inquiry's existence and work has shone light on this devastating situation for all of us in different ways.... While there has been negative press about the challenges the Inquiry has faced, I believe it has achieved and is achieving its primary purpose: to raise awareness in broader society of this important issue ... and to support those who have experienced or been impacted by this violence first hand.⁴⁴



Unspoken Words (Social Justice Day quilt), Mikhayla Patterson in collaboration with the School of Social Work, MacEwan University, AF A2017-42.1.

Similarly, a quilt donated by second-year students (presented by student Mikhayla Patterson) of the social work program at MacEwan University honours the memories of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people. To make the quilt, each student wrote a letter to someone who has been lost, telling her she was – and is – loved. The quilt was smudged once it was assembled, so that the letters would pass into the spirit world and rejoin the people to whom they were addressed. For

students, the hope was also to let the families know that they are not fighting alone. As Mikhayla explained, “Let us work together in the fight for justice.”⁴⁵

A news article about missing Indigenous women along Highway 16, also known as the “Highway of Tears,” about which some of the witnesses testified, also inspired a song called “The Highway” by Chris Scott, who is non-Indigenous. He performed it in his home, recorded it, and sent it to us. He wrote the song “to give the family members that are left behind some hope.... I hope [the song will] connect to them and to [the public] as well.”⁴⁶



Student and Youth Engagement Guide

Over the course of its mandate, the National Inquiry has also engaged in another important project: *Their Voices Will Guide Us*, a student and youth engagement guide. As the guide's foreword explains:

When we think to the future, we consider the legacy we will leave for those who come after us: our children, grandchildren, nieces, nephews, and other young people for generations to come. One of the best legacies we can leave them is an education that will help prevent violence and keep Indigenous women and girls safe so that they can all flourish. Together, we can create a society in which all Indigenous lives are valued.⁴⁷

The guide asserts the importance of collective responsibility through education as a way to effect real change. It also emphasizes a human and Indigenous rights approach, through its privileging of Indigenous perspectives and voices throughout, as well as its emphasis on the very concrete changes that need to occur to protect these rights.

[Women, girls, and 2SLGBTQQIA people] have human rights that must be upheld so that they can achieve their dreams and use their gifts, talents, and skills to benefit their families, communities, and all of Canada. They have the right to the peaceful enjoyment of their lives. Our collective action can make all of this a reality.⁴⁸

Developed in collaboration with Indigenous educators across Canada, *Their Voices Will Guide Us* invites students of all ages to understand the crisis of violence through forging connections with communities in their own area and by centring the importance of Indigenous teachings as a means through which safety can be achieved. In line with our other initiatives on education, the guide's purpose is to “engage students of all ages in generating arts-based messages of resilience, truth, hope, solidarity and justice. These messages can inspire and motivate Canadians from all walks of life, at all ages, and in all territories to take action in their own lives to generate transformative social change.”⁴⁹

A full copy of the guide in English and French is available online and outlines in detail the National Inquiry's focus areas and approach to education.

Reclaim(ing) Power and Place: A Pilot Project

As a part of its arts engagement strategy, which includes the call for artistic expressions, the National Inquiry also created some new projects intended to build awareness and promote education about the issues surrounding violence and the targeting of Indigenous women, girls, and 2SLGBTQQIA people.



The ReClaim Project combines the aspect of “remembering” with the concept of “calling forth,” implying a more active, ongoing engagement with not only the memory of those lost, but also with the sacred teachings and connectedness that can ultimately help contribute to safety and to healing. This project connects women, girls, and 2SLGBTQQIA people to reclaiming power and place, to the land, to the sacred and traditional teachings, and to one another. The mission of the National Inquiry – finding the truth, honouring the truth, and giving life to the truth – is realized within this project, which aims to reassert presence and power on the land itself as a way of reclaiming the sacred feminine, promoting safety and wellness, and transforming the narrative around Indigenous women, girls, and 2SLGBTQQIA people. It creates opportunities for families, women, and youth to come together to reconnect to the matrilineal knowledge across different Indigenous communities.



Interdisciplinary artist Jaime Black stands beside the Red River during a ReClaim event in Winnipeg, Manitoba.

Organized by renowned Métis artist Jaime Black, the first pilot of the ReClaim Project took place in Winnipeg, at The Forks. As Jaime reflected on the experience, she shared:

For centuries, we have gathered where the rivers meet, and this land remembers us, remembers the drum, the heartbeat, the song, remembers the women who gathered with their families, harvested clay by the riverbank and formed the vessels. Sitting here listening to the stories of the Elders, forming clay figures, we see the women who gathered on this land thousands of years ago, we see them reflected in ourselves.

The first ReClaim gathering at The Forks was a day of connecting, to ourselves and to each other through story and art making, pulling the past into the present and imagining, forming, shaping a new future. Participants gathered around the fire to listen to the oral history of The Forks through the storytelling of Elder Clarence Nepinak, whose family has a long history tied to the site. Clarence spoke of his family’s travels, their dreams, and of the spirits of the ancestors that still inhabit the land where the two rivers meet.

In the afternoon we came together in the tipi to acknowledge the missing or murdered Indigenous women and girls. Palms full of tobacco, a participant led us to the memorial there devoted to missing and murdered Indigenous women and girls with a drum song and we put our prayers down together. We returned to the circle grounded in why we



were here, why we were gathering, we are here to remember. Not only to remember the pain but also to remember our power, our agency as women, our strong connection to this land.

We worked with red clay, with earth, not only knowing that connection to the land in our minds but really feeling it, working with it, working with the hands, a mutual healing. We formed human figures, figures of women and girls, goddess figures, calling in the strength, courage, and power of all the circles of women that have gathered at this place.

My son is there, Josef. He is serious about fire keeping and in awe of this special and important gathering that his mama is holding. I can tell he feels the weight of it.

I can tell it will change him.

Later we lay our clay figures as gifts at the MMIWG memorial and sing ourselves down to the water, leaving our offerings to the river, to its slow power, to its mysteries.

My boy ties a piece of red cloth to a stick and, in our silence, all the others do the same and we become warriors, women walking together with staffs tied with red.

Someone suggests that we cross the bridge to Spirit Island, a place where ceremony has been held for centuries, that we plant the sticks in the ground there; a promise that we will continue to stand and to fight for justice for women and girls.

A tour boat goes by as we are placing our sticks along the bank of the river, strips of bright red cloth against the grey of the day. They watch us and I think, for a moment they actually see us, they see us standing together.



Clay figures are placed on the land in ceremony during a ReClaim event in Thunder Bay, Ontario.



Jaime also wrote a poem about her experience in Winnipeg:

a coming together
a picking up
here
where we left off
they moved the skulls of the buffalo
but we still remember
the way home
impressions in clay
molding, shaping
a prayer
a song
a sacred figure
the power of creation

calling in the ancestors
we rise and fall
together together together

The National Inquiry hosted a second pilot event for the ReClaim Project in Thunder Bay, Ontario, in late 2018, when students from Confederation College, along with residents of Thunder Bay, gathered at the Thunder Bay Art Gallery. In the morning, participants met inside the gallery's open space to talk and learn from Knowledge Keeper Ann Magiskan of Lac Seul First Nation. Surrounded by her sacred items, Ann shared her journey and experiences of reconnecting to culture and ceremony, and the profound impact they have had on her life and the lives of those around her.

After years feeling disconnected from her culture, Ann was able to find her way back to tradition and ceremony as powerful practices for healing and reconnection to self and community. Jaime Black said she was struck, as Ann shared, by the vastly different ways in which people both lose and find themselves and one another.

Ann's experience and perspective allowed participants to see the value in honouring their own personal journeys back to themselves, back to one another, and back to the land. When Ann was finished sharing, she invited students to engage with the sacred items on her table, allowing them to hold these items and feel the power they carried, perhaps to carry some of that power with them on their own journeys.



In Thunder Bay, Ontario, ReClaim participants spend time connecting with the land, led by a local Elder and artist Jaime Black.

Participants then gathered outside in a circle to smudge, and then walked together down the main road onto campus, each holding a red cloth tie to honour women, girls, and 2SLGBTQQIA people. Together, they walked alongside the bushland that covers much of the college campus, holding onto their red ties, holding onto their prayers for healing or for justice, for balance, or for remembering the collective strength of Indigenous women. Each participant chose a space in the bush to tie their ties, to bind these hopes and promises.



ReClaim participants in Thunder Bay, Ontario, placed red cloth in the trees as a way to honour and to raise awareness about violence facing missing and murdered Indigenous women, girls, and 2SLGBTQQIA people.

Later, participants worked with clay, and Jaime shared the understanding of clay work as a direct and powerful way of connecting to the land. As she explained, before colonization, some communities would make vessels of clay from the land where they made camp. These vessels were often left behind when the people moved to a new location. This practice indicates an intimate and respectful relationship with the land. As they worked with the clay, participants talked and shared thoughts and knowledge about these concepts, knowing that whatever they made wasn't permanent, but that the process of the making brought connection and healing.



During a ReClaim workshop, participants work to create clay figures to leave on the land as an offering.

The National Inquiry hopes that the ReClaim Project, which is being offered by Jaime Black in other locations, will inspire other, similar actions that will persist beyond the life of the National Inquiry itself. In this way, this kind of art action will represent a new way of asserting the importance of calling forth, and the importance of the power and place of the relatives who no longer walk among us, and the sacred place they hold in community and in ceremony.

Conclusion: Art Actions for the Future

For those who donated artistic expressions to the Legacy Archive, or who participated in public art action like the ReClaim Project or in creations of their own, their work is not only about commemoration, and it is not restricted to making change today. As Jaycee Gouchey, from Sturgeon Lake Cree Nation, shared, “I’m doing this for all our lost and stolen sisters, and my daughter is a motivation.... I don’t want her to grow up scared. I don’t want her to grow up the way I did.”⁵⁰ In a video capturing her project, Jaycee made herself look like a victim of violence and sat in silence in a hallway for three hours to confront people with the violence that Indigenous women face. Jaycee wanted to symbolize the silence that Indigenous women also often face when looking for help.

The National Inquiry hopes that the Legacy Archive, the student and youth engagement strategy, the ReClaim Project, and all of the actions these projects inspire will have legacies of their own and inspire more acts of commemoration, awareness, courage, healing, and justice. These acts are important in fulfilling a key pathway to safety, in restoring power and place to Indigenous women, girls, and 2SLGBTQQIA people everywhere they are.



Notes

- 1 Elder Miigam'agan (Mi'kmaq), Part 1, Public Volume 44(a), Moncton, NB, pp. 126-127.
- 2 Truth and Reconciliation Commission of Canada, *Calls to Action*.
- 3 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Interim Report*, 81.
- 4 Canada, Status of Women Canada, "About Missing and Murdered Indigenous Women and Girls Commemoration Fund."
- 5 Von Scheel, "Feds to fund commemoration events."
- 6 Alisha R. (Métis), Part 1, Statement Volume 453, Edmonton, AB, p. 26.
- 7 Fallon F. (Métis), Part 1, Public Volume 11, Winnipeg, MB, p. 61.
- 8 Marie P. (Mi'kmaq), Part 1, Public Volume 19, Membertou, NS, p. 48.
- 9 Shaun L. (Kaska Dena, Crow Clan), Part 1, Public Volume 3, Whitehorse, YU, pp. 17-18.
- 10 Harriet L. (Inuit, Nain), Part 1, Public Volume 57, Happy Valley-Goose Bay, NL, p. 15.
- 11 Ruby F. (Inuit, Inuvik), Part 1, Public Volume 42, Yellowknife, NT, p. 74.
- 12 Daniel B. (Qalipu Mi'kmaq First Nation), Part 1, Statement Volume 509, St. John's, NL, pp. 40-41.
- 13 Martha A. U. (Inuit), Part 1, Public Volume 48(b), Rankin Inlet, NU, p. 16.
- 14 Delilah S. (Inuit), Part 1, Public Volume 7, Membertou, NS, p. 46.
- 15 Cheryl M. (Wolf Clan, Mohawk Nation), Part 1, Public Volume 59, Montreal, QC, p. 51.
- 16 Nikki K. (Inuit), Part 1, Public Volume 46(a), Rankin Inlet, NU, p. 63.
- 17 Laura M. (Inuit, Rankin Inlet), Part 1, Public Volume 46(a), Rankin Inlet, NU, p. 12.
- 18 Fallon F. (Métis), Part 1, Public Volume 11, Winnipeg, MB, p. 61.
- 19 Aboriginal Healing Foundation, *Dancing, Singing, Painting*, 26.
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Valuing Lived and Front-Line Experiences

Introduction: Four Guided Dialogues and the Distinctions-Based Approach

Between October and December 2018, the National Inquiry into Missing and Murdered Indigenous Women and Girls hosted four Guided Dialogues to identify best practices and solutions to increase safety, improve well-being, and safeguard the rights of Indigenous women, girls, and 2SLGBTQIA people in Canada.

Facilitated in partnership with Simon Fraser University's Morris J. Wosk Centre for Dialogue, the Guided Dialogues brought together front-line service providers and community organizers to explore the particular perspectives of different Indigenous groups. The following sessions were hosted:

- 2SLGBTQIA Perspectives and Best Practices (Toronto)
- Inuit Perspectives and Best Practices (Inuvik)
- Métis Perspectives and Best Practices (Edmonton)
- Quebec Perspectives and Best Practices (Wendake)

Each Guided Dialogue brought together participants invited by the Commissioners who contributed on the basis of trends, experiences and needs identified within the body of National Inquiry testimonies and statements. Participants were individuals and organizations identified in public testimonies and statements, or in third-party research on service delivery in key areas. In inviting participants, the National Inquiry also took into account research and surveys of ally and support groups and recommendations from Commissioners and internal advisory groups. One Commissioner was present at each Guided Dialogue.



The primary intended outcomes were to:

- deepen knowledge of systemic institutional weaknesses, gaps, and problems that marginalize and negatively impact the safety of Indigenous women, girls, and 2SLGBTQQIA people;
- identify best practices and solutions for institutional and systemic change that would increase safety, improve well-being, and uphold the rights of Indigenous women, girls, and 2SLGBTQQIA people in terms of identity and culture, health and well-being, human security, including housing and anti-poverty work, and issues regarding access to justice; and
- make specific recommendations to increase the safety of diverse Indigenous groups and individuals when they experience human and Indigenous rights violations within experiences of encounter.

The secondary intended outcomes for the Dialogues were to:

- co-create a safe, culturally appropriate, and legitimate dialogue process;
- offer participants an opportunity to share knowledge with peers and to build on one another's ideas in "a focused conversation among equals" that appreciates differences of perspective and experience; and
- convene gatherings of practitioners and professionals in a spirit of respect and recognition.

Over the course of the Dialogues, data was gathered from multiple sources, including notes taken at each Dialogue table, as well as flip charts, anonymous participant feedback forms, artwork, and other documents submitted by participants.

Overwhelmingly, as participants shared in each of the four sessions, racism is at the heart of the colonial structure and represents a core cause for the violence faced by Indigenous communities. At the same time, participants highlighted intersecting experiences of discrimination based on gender and sexual orientation, and discrimination against marginalized populations such as sex workers, people engaged in substance use, people who are homeless, or based on their intersectional identities as Indigenous groups with many distinctive experiences and perspectives.

This chapter conveys the emerging themes and recommendations from all four Guided Dialogues. Many key recommendations were echoed across the country. However, this chapter also aims to delineate, where possible, the issues, perspectives, and recommendations that are specific to the experiences of 2SLGBTQQIA people, Inuit, Métis communities, and Quebec First Nations. These groupings provide important regional and issue-specific focus, and, collectively, emphasize the importance of a distinctions-based approach that acknowledges the issues that can be addressed in common and those where approaches might differ.



Two-Spirited People of Manitoba Inc.

OUR TWO-SPIRIT TEACHINGS:

SPIRITUALITY: Two-Spirit people are one of the conduits between the physical world and the spiritual world and can open doors to healing.

BELONGING: Two-Spirit people are worthy of love, respect and safety. Two-Spirit people carry the responsibility to give love, respect and safety to everyone.

VISIONING: Two-Spirit people see and acknowledge the impact of harmful colonial constructs and work to challenge them within the Two-Spirit community and beyond. The vision and voice of Two-Spirit people must be recognized and integrated into Indigenous leadership structures to ensure inclusive, equitable and fair access to resources and settlements.

TRANSFORMING: Two-Spirit people promote non-discrimination and acceptance by dismantling harmful colonial concepts of gender and sexuality and advocate for contemporary approaches to non-discrimination.

EQUALITY: Two-Spirit people challenge race, gender, and sex-based privilege within the Two-Spirit collective and the broader community.

STRENGTH: Two-Spirit people are assets to their families and communities because of their role, purpose, gifts and abilities.

SEXUALITY: Two-Spirit people are sex-positive and believe, that relationships, however they are constructed, are enhanced by the celebration of sex.

ADVOCACY: Two-Spirit people stand in solidarity with other equity-seeking groups and will assist or support these groups in their advocacy struggles, the civil and human rights of ourselves and others.

YOU CAN SUPPORT US BY:

- Creating safer spaces, free of shame, violence, stereotypes, bullying, homophobia and transphobia
- Inviting us and welcoming us into events, traditional spaces and ceremonies
- Being open to learning about Two-Spirit experiences
- Respecting and honouring traditional Two-Spirit roles
- Challenging systems and institutions to address the unique needs of Two-Spirit people
- Advocating for our inclusion, our civil and human rights, and our Indigenous rights
- Providing and increasing opportunities for us to share our gifts

WWW.TWOSPIRITMANITOBA.CA

TWO-SPIRIT PEOPLE OF MANITOBA IS AN ORGANIZATION THAT SEEKS TO IMPROVE THE QUALITY OF LIFE OF TWO-SPIRIT (INDIGENOUS GAY, LESBIAN, BISEXUAL, AND TRANSGENDER) PEOPLE.

HARM REDUCTION
WE PROMOTE PROMISING PRACTICES THAT CAN REDUCE HARM AND IMPROVE HEALTH AND WELLBEING IN OUR COMMUNITY

LAND
WE RECOGNIZE OUR HISTORICAL FIRST NATIONS, INUIT, AND METIS RELATIONSHIP WITH OUR HOMELANDS AND THE TRADITIONAL LANDS AND TERRITORIES OF OUR ANCESTORS

WE ADVOCATE FOR THE PRESERVATION OF THE LAND, USE OF SUSTAINABLE DEVELOPMENT PRACTICES, AND RESTORATION AND RECLAMATION OF LAND BASED RESOURCES

The Manifesto of Two-Spirited People of Manitoba Inc. speaks to many of the issues that participants discussed at the 2SLGBTQQA Perspectives Guided Dialogue in Toronto, including the need to understand Two-Spirit teachings, and the values associated with safety that they imply. Used with permission.

Promoting Empowering Research and Representation

“Not about us, without us at the table.” (Inuit Perspectives)

The collection of data and research processes are often cast as neutral processes, but research has often been engaged in the service of colonial ideas. One of the priorities for our approach to the Guided Dialogues was in co-creating a process, with participants, that privileged decolonizing research processes and applied them in data collection and interpretation. This kind of meaningful engagement led to important discussions regarding the nature of research itself, and the need to develop more structures that reflect a more equitable representation, particularly in the context of Indigenous engagement, consultation, and participation in policy and program development. For many women, girls, and 2SLGBTQQA people, becoming meaningful participants in decision-making processes is key to unlocking the solutions that have been buried under patriarchy, misogyny, and colonialism. This is necessary in order to bring about systemic change to support the safety and well-being of Indigenous women, girls, and 2SLGBTQQA people.

Participants particularly highlighted the need for more equitable representation of Indigenous women and youth, Métis and Inuit communities, and 2SLGBTQQA people, and offered recommendations for data collection, research, public engagement, and leadership models to effect this change.



Data Collection and Research

Participants emphasized the importance of collecting accurate, culturally specific, and comprehensive data on Indigenous communities to contribute to policy development and strategic planning for program and service delivery.

Data collection was a particularly prominent theme in the 2SLGBTQQIA Perspectives Dialogue. Both social stigma and inadequate data collection methods contribute to inaccurate and incomplete data collection on 2SLGBTQQIA experiences. For instance, the census has historically excluded gender non-binary individuals, and coronary reports currently identify a victim's gender based on their biological sex instead of their gender identity. Some participants described communities where the gender identity and/or sexual orientation of youth who had died by suicide were deliberately masked by parents or leaders in the community due to homophobia or transphobia. Participants described how data gaps contribute to the erasure and invisibility of Indigenous 2SLGBTQQIA people, and negatively impact funding for dedicated support services and resources.

“We need to have our numbers in the reports for our advocacy work.”
(2SLGBTQQIA Perspectives)¹

Specific recommendations for accurate and comprehensive data collection included:

- ✓ **culturally specific data collection** differentiating among Inuit, Métis, and First Nations victims;
- ✓ **additional gender options** in the census and other avenues for data collection; and
- ✓ **more specific data collection to recognize and capture the internal diversity of 2SLGBTQQIA communities.** Participants noted that the use of “Two-Spirit” as a blanket term for all Indigenous 2SLGBTQQIA people perpetuates the erasure of other gender identities and sexual orientations. Participants specifically called for a differentiation between “Two-Spirit” and trans-identified individuals, and between trans-masculine and trans-feminine experiences.

“The term Two-Spirit is an umbrella term that does not necessarily reflect the diversity of the gender spectrum.” (2SLGBTQQIA Perspectives)

Suggested priority areas for research and data collection included:

- ✓ **data on Indigenous victims of violence**, including murdered and missing people, as well as on suicide rates, recognizing that the violence, discrimination, and inequities faced by Indigenous women, girls, and 2SLGBTQQIA people contribute to the risk of death by suicide;



- ✓ **more accurate statistics on Inuit people in urban centres** to ensure adequate funding for culturally specific support services;
- ✓ **research and data collection on systemic, institutional discrimination:** for instance, exploring the experiences of Indigenous Peoples in health, justice, and correctional systems, in order to better understand the gaps, barriers, and inequities they face, and data on racial profiling in policing against Indigenous Peoples;
- ✓ **research into the experiences of previous offenders** reintegrating into community; and
- ✓ **research into patterns of violence** and the experiences and life trajectories of vulnerable individuals.

Ethical and Empowering Research

Several participants expressed the sentiment that Indigenous and 2SLGBTQQIA communities are over-researched and over-consulted without the related sufficient implementation of recommendations and findings. They described how this pattern of over-consultation risks re-traumatizing vulnerable populations who have to repeatedly share adverse experiences, while it contributes to the erosion of trust that can deter Indigenous Peoples from participating in data collection and public-engagement opportunities. Additionally, some participants discussed issues with “exploitative” or “predatory” research practices that compromise ethics of consent and can lead to skewed research findings. For instance, individuals facing poverty are more vulnerable to being coerced to participate in studies that offer honoraria in exchange for participation.

Participants recommended the following ethical and empowering approaches to research:

- ✓ **validate diverse forms of knowledge** (including academic research, lived experience, and traditional Indigenous knowledge);
- ✓ **develop and implement research frameworks, epistemologies, and research terminology grounded in Indigenous world views;**
- ✓ **promote meaningful collaboration between academics, front-line workers and grassroots organizations** to inform policy development and service delivery;
- ✓ **dedicate funding and support for research led by Métis, Inuit, First Nations, and Indigenous 2SLGBTQQIA people;**
- ✓ **adopt a strength-based approach to research** that aims to generate and affirm good practices, instead of focusing on traumatic experiences; and



- ✓ **update the *Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans (TCPS-2)* concerning the guidelines that govern Indigenous research, in order to better protect research participants from “predatory research tactics.”**

“Research partnership is vital. Academics [need] to work with front-line workers in a meaningful way. Part of finding healing is demanding more authority in [the] research process and how we are spoken about.” (2SLGBTQQIA Perspectives)

“More Métis research by Métis researchers, that honours and values our ways of knowing and being – without being ‘extractivist.’” (Métis Perspectives)

Equitable Representation

Participants in the Toronto, Inuvik, and Edmonton sessions discussed the prevalent underrepresentation and relative invisibility of Indigenous 2SLGBTQQIA people, Inuit, and Métis communities within policy development, and the inequitable distribution of funding and services for these communities. They described how work done under an “Indigenous” or “Aboriginal” framework tends to focus on First Nations contexts and cultures, which can be vastly different from Inuit and Métis communities. At the same time, one participant noted that the Indigenous communities, whose traditional territories encompass major urban centres, can feel “displaced” by Indigenous populations migrating to their home. It is important to strike a balance between acknowledging the historic roots of territories and creating a hospitable environment for newcomers.

“[The] Métis voice is commonly underrepresented.” (Métis Perspectives)

“Métis citizens and people do not feel they are under the umbrella of ‘First Nations.’ They do not feel comfortable in, or accepted in, those spaces.” (Métis Perspectives)

“There is a lot of presence of First Nations in Ottawa, but Inuit aren’t very visible there. With no disrespect to them, we’re just not very visible.” (Inuit Perspectives)

“We represent a large area with a smaller population, but [the] issues are so different.” (Inuit Perspectives)

Additionally, participants in the 2SLGBTQQIA Perspectives session noted that policies and recommendations (including the common framing of “missing and murdered Indigenous women”) often lack a recognition of diverse gender identities and fail to address issues that predominantly affect Indigenous 2SLGBTQQIA people.



Recommendations to improve equitable representation included:

- ✓ **dedicated funding streams, programs, and services** for Inuit, Métis, and Indigenous 2SLGBTQQIA communities;
- ✓ **dedicated Inuit and Métis advocacy bodies:** for instance, in Edmonton, there were calls for the establishment of a Métis Health Authority, Métis child welfare agencies, and a National Circle for Métis Women;
- ✓ **dedicated Indigenous 2SLGBTQQIA advocacy bodies** that recognize and address the unique experiences and needs at the intersections of cultural and gender identities. There was a strong call in Toronto for a national network or organization to represent Indigenous 2SLGBTQQIA people and conduct dedicated advocacy, education, data collection, and research for their communities;
- ✓ **equitable inclusion of 2SLGBTQQIA people** within First Nations, Métis, and Inuit leadership and advocacy bodies (such as the Assembly of First Nations, First Nations Health Authority, Native Women’s Association of Canada, etc.);
- ✓ **gender-based analysis of policies and recommendations**, including landmark documents such as the Truth and Reconciliation Commission’s Calls to Action; and
- ✓ **increased public-engagement initiatives**, with particular attention to the unique circumstances that can impact the participation of Inuit, Métis, and Indigenous 2SLGBTQQIA people, and allocation of resources to ensure cultural safety and inclusion for parties.

“Métis-specific funding for developing transformational change that is rooted in Métis world views.” (Métis Perspectives)

“Policies need to be based on ... values taught by Elders about Inuit culture.” (Inuit Perspectives)

Participants called for more equitable representation of Indigenous women, youth, and traditionally marginalized populations (such as sex workers, ex-offenders, etc.) in policy making.

“All levels of government need to prioritize LGBTQ2S+ Indigenous youth voices and experiences in the development of solutions and strategies.” (2SLGBTQQIA Perspectives)

“We women are coming back, and we are taking those leadership roles, so we have the power to make change. We all want the same thing. We want change. And the change we want is to have our women in positions of power and leadership.” (Métis Perspectives)

“Indigenous women need to be heard and recognized, when it comes to policy-making and officiating.” (2SLGBTQQIA Perspectives)



Strengthening Accountability

Implementation of recommendations was a primary concern echoed throughout the Dialogues, with many participants critiquing historical patterns of over-consultation and relative lack of implementation. Participants called for the development of a strategic plan for the implementation of recommendations from the National Inquiry into Missing and Murdered Indigenous Women, as well as recommendations from other, related provincial, federal, and international conventions, landmark inquiries, and declarations.²

“First Nations became cynical about the impacts of various commission reports, in the past. Could it be because they were not an integral part of a governmental action plan?”
(Quebec Perspectives)

“Go from idealism to action. We need to see the system changed.”
(2SLGBTQQA Perspectives)

“A long-term plan to put in place structural changes. Make sure there is a measure that resists political changes. That it is enshrined in a master document of the country. That all governments are obligated to put money in it.” (Quebec Perspectives)

Recommendations to strengthen accountability included:

- ☑ **an oversight committee** to develop a strategic action plan for the recommendations, with representatives from Inuit, Métis, First Nations, and 2SLGBTQQA communities;
- ☑ **safeguards** to ensure that the implementation of key recommendations can continue despite shifts in government or organizational leadership;

“You need recommendations that do not depend on the person in the position. It should not depend on the person.” (Quebec Perspectives)
- ☑ **communication and partnerships** with key ministries and organizations to create a broad network of advocacy and action for the implementation of recommendations;
- ☑ **increased public education and advocacy** to increase awareness of Indigenous rights and recommendations for action; and
- ☑ **an Indigenous Rights Tribunal**, to supplement work from the existing Human Rights Tribunal, with an acknowledgement of the *United Nations Declaration on the Rights of Indigenous Peoples*.



Core Principles and Values for Safety

Through a discussion of these experiences and themes, participants focused on important concepts that inform the principle of safety. Specifically, the Guided Dialogues drew attention to a number of core principles, values, and practices that can increase the accessibility, cultural safety, and effectiveness of support services to contribute to the safety and well-being of Indigenous women, girls, and 2SLGBTQQIA individuals.

Wellness as Wholeness

In all four Dialogue sessions, participants expressed a holistic understanding of safety and well-being, advocating for care that addresses mental, physical, emotional, and spiritual needs. Similarly, participants predominantly spoke of the individual as being embedded within a web of interdependent and interactive relationships, including their family, community, wider society, and environment.

Participants noted that a holistic approach to well-being and the value of relationships is fundamental to an Indigenous world view, which emphasizes the interconnected nature of life. Indeed, one participant in the Quebec Perspectives session suggested that Western models such as the Maslow hierarchy of needs may not be applicable to an Indigenous context. Rather, participants in different groups shared Indigenous philosophies such as those reflected in the Cree term *mino-pimatisiwin*,³ or the Quechua term of *sumak kawsay*,⁴ or the teachings of the medicine wheel. One participant shared a framework of concentric circles, “with sustenance in the middle, then children, then women, then Elders, then men” to represent the systemic nature of safety and well-being.

Participants discussed how moving forward in a culturally safe way, with respect to the delivery of programs, services, and systems to reflect this holistic approach to well-being, could ultimately provide improved care not only for Indigenous communities, but for society as a whole.

“Indigenous people have always paved the way when it comes to changing the systems, opening the door for Canadians.” (Métis Perspectives)

Participants suggested that a holistic and culturally safe approach to program and service delivery across several different areas, including cultural services as well as those services that are culturally safe in areas like health, security, and justice, is one that:

- ☑ **supports the well-being of whole families and communities**, including men and boys, instead of focusing on the individual or services for women, girls, and 2SLGBTQQIA people;

“We won’t become healthy if we look [only] at individuals.” (Métis Perspectives)



“These people are part of a community. How can you extract one and help them, and leave the rest?” (Quebec Perspectives)

- ☑ **strengthens family and community ties**, and fosters trusting relationships of care between clients and service providers;

“Human connection is medicine.” (Métis Perspectives)

“Who is close to you? Who’s your neighbour? All of these things should be included in the interventions, instead of just basing the system on the individual.... The community and the family context can be rich resources to improve the intervention.” (Quebec Perspectives)

- ☑ **recognizes the primacy of cultural and spiritual needs**, the fulfillment of which may be necessary for the attainment of other wellness goals;

“First Nations women recognize the importance of First Nations spirituality, at the heart of healing, prior to treat addictions, etc.” (Quebec Perspectives)

“People who heal the most are those who have healed on a spiritual level.” (Métis Perspectives)

- ☑ **addresses the root causes** of behaviours that serve to place people at risk, and ensure that needs related to healing and recovery are being met;

“People join gangs because they want to feel like they belong, so one way to deal with this [need] is to help people form a stronger sense of connection.” (Métis Perspectives)

- ☑ **takes a preventative approach** to increasing the safety and well-being of women, girls, and 2SLGBTQQIA people; and

“Often people do not use the services until it’s an emergency. There should be more prevention, opportunities to ask questions ... a preventative service – rather than [a] cure.” (Quebec Perspectives)

- ☑ **sees the wholeness of people beyond labels** such as mental health diagnoses, convictions, adverse experiences, ethnicity, gender, etc.

“I have a foster name.... Many other systems wrongfully misconstrued our name ... mislabelled us shamefully.... I reached out to social services for help. I was labelled with everything in the book ... adjustment disorder, borderline personality disorder, slightly mentally retarded.... These structural and systemic labels promote blaming the victim. They are pathologies and constructs that perpetuate the missing and murdered Indigenous women.” (Métis Perspectives)



A Haudenosaunee Example of Healing through Culture

At the National Inquiry's Expert and Knowledge Keeper Hearing in Toronto, National Family Advisory Circle member Norma Jacobs opened the second day of hearings with a traditional Haudenosaunee (Iroquois) Thanksgiving Address.ⁱ

The Haudenosaunee (meaning "People of the Longhouse") are a confederacy made up of six distinct Nations: Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora. The Thanksgiving Address is an ancient way of greeting the natural world and aligning the minds of the people as one.ⁱⁱ

Norma is Wolf Clan of the Guyohkohnyo Cayuga Nation and grew up on the Haudenosaunee Six Nations reserve. In her address, she thanked the people, Mother Earth, the food that sustains us, the shrubs, grasses, and medicine plants, the trees, the birds, the animals, the air, bodies of water, thunder, lightning, rain, the sun, the moon, the four sacred beings, the teachers who bring the words of the Creator, and the Creator. Norma called this address "a dance of intimacy of how we relate to everything that's in our environment, and we should be doing that dance every day."ⁱⁱⁱ

While opening a gathering with the Thanksgiving Address is traditional in Haudenosaunee territory, Norma also used this opportunity to emphasize how it and other Haudenosaunee teachings and ceremonies are the most important tools they need for their own well-being.

Norma taught us that the Creator gave these teachings to the Haudenosaunee as medicine, to enhance their lives.

The whole structure of the Confederacy and the teachings that are there to enhance our life, and to acknowledge and validate everything that was given here on this Earth walk, you know ... because everything here that the Creator provided for us was for ... our benefit, for our health, mentally, emotionally, physically, and spiritually.^{iv}

Some of the Haudenosaunee values Norma shared were about compassion, reciprocity, diversity, balance, and communication, among others.

We learn about, you know, our ancestors, and we learn about being inclusive. We learn about unity, you know, coming to that one mind, and that one heart, and that one body. We learn about protocols, intervention, and prevention. We learn about sacred space. You know, we all have sacred space around us. Acknowledgement, validation, values and beliefs, honouring relationship, healing, ceremony, empowerment.^v

The Haudenosaunee traditionally have 13 ceremonies throughout the year, which help maintain the "health and prosperity of the Nations."^{vi} Norma explained that coming back to these ceremonies on a regular basis is a way of creating accountability for yourself, to build relationship with all of the gifts that have been provided through the natural world and honour one another for it.



She sees hope in the way that young people are returning to Haudenosaunee ceremonies.

I see the dismantling of our culture and our way of life in all of our communities, but I also see the restructuring and the revitalization, and I'm proud of those people. I'm proud of the young ones. You know, the young men who stand who I haven't seen growing up, and all of a sudden there they are, and they're doing our ceremonies, speeches. You know, and I feel that respect in their behaviour and their attitude for the people.^{vii}

Norma emphasized that this revitalization is actually built into the teachings the Haudenosaunee already hold – including the Thanksgiving Address: “We learn about the rebirth every day, when we wake up in the morning, that we have life. So, we know how to revitalize, and that’s part of our teaching, to restructure, to recognize, to re-enliven our people and to re-evaluate, to re-establish, to rejuvenate.”^{viii}

For example, Norma shared, the Haudenosaunee have always had their own ways of evaluating the health of their communities.

It was always told to us, too, that, you know, the state of our health was recognizable by the number of cornfields that we have in our community, you know, because cornfields – white corn is medicine, you know. It tells us about how to use it in mourning, you know, grieving. So many things that we haven't even touched upon.^{ix}

Norma’s mother taught her that using the medicine of traditional teachings still involves thinking critically about them, especially with the creeping influence of colonization. Norma said:

One of those things that she used to tell me was, [speaking in Cayuga] you’ve got a brain, use it, you know? ... She used to say, [speaking in Cayuga], you’ve got to take ... all the things that I shared with you and think about them, and take them to the depth, you know, of your being. Apply it to your mind, apply it to your heart, apply it to your physical self and to your spiritual self. She says, and if all of those parts of you feel good, then you must be on the right track.

...

So, I spent my life, you know, thinking about that, you know, and shaping and chipping away at those colonial thoughts and the colonial influence on my family.... I’ve been working at that all of my life, to find and to enhance the lives of our people through our stories, through our way, through our language, through our ceremony, you know, and to reclaim that for myself.^x

For Norma, these teachings came down to the idea of one heart, one mind, one body. By working together and reconnecting to their own knowledge, Haudenosaunee can bring each other up to their highest potential.

I Norma J. (Cayuga), Part 3, Public Volume 9, Toronto, ON.

II Kaniienkeha: An Open Source Endangered Language Initiative, “Thanksgiving Address.”

III Norma J. (Cayuga), Part 3, Public Volume 9, Toronto, ON, p. 27.

IV Norma J. (Cayuga), Part 3, Public Volume 9, Toronto, ON, p. 4.

V Norma J. (Cayuga), Part 3, Public Volume 9, Toronto, ON, pp. 26–27.

VI Haudenosaunee Confederacy, “Ceremonies.”

VII Norma J. (Cayuga), Part 3, Public Volume 9, Toronto, ON, p. 23.

VIII Norma J. (Cayuga), Part 3, Public Volume 9, Toronto, ON, p. 28.

IX Norma J. (Cayuga), Part 3, Public Volume 9, Toronto, ON, p. 27.

X Norma J. (Cayuga), Part 3, Public Volume 9, Toronto, ON, pp. 21–23.



The Importance of Coordinated Services

In addition, almost every Dialogue table across all four sessions called for an interdisciplinary, systemic approach to increasing safety and well-being for Indigenous women, girls, and 2SLGBTQIA individuals. Participants strongly criticized the predominantly “siloesd” organization of social services, and the competitive culture among programs that are applying for the same funding sources. They discussed a number of ways in which partnerships and collaboration can benefit service providers, including to:

- increase awareness of local services to facilitate referrals and reduce duplication;
- facilitate knowledge exchange to address complex issues;
- enable partnerships between Indigenous and non-Indigenous service providers to increase staff cultural competency; and
- reduce administrative burdens and increase efficiency.

“I always use the metaphor about the Métis sash. You can’t just pull out one thread and find a solution to one alone. Then how can you put it back? We need to find solutions that weave together all those things: health care, justice, policing.”
(Métis Perspectives)

“Big believer in wraparound services and a network of helpers.... I see the different disciplines working in silos and trying to sheep steal. I find that frustrating.”
(Métis Perspectives)

“Inuvik is a mess of organizations. Native band, Gwich’in tribal council, community leader and council, Métis local. All doing their own thing, not communicating and coordinating activities. All working in siloes, doing their own wellness, parenting, etc. programs with their own funding. [We] need partnerships, coming together to make an action plan.” (Inuit Perspectives)

Recommendations of successful models for coordinated services included:

- federally or provincially funded action tables**, bringing social service providers together to develop partnership, coordinate services, and develop strategic action plans to support well-being; and

“In a [federally funded] local accessibility table ... social services centres, school board, youth protection, CAVAC [Crime Victims Assistance Centre], victim support services.... They [didn’t] speak to each other to begin with. Now they sit down and speak to each other. They do an inventory of what they offer. Opening their eyes. Should have been done a long time ago.” (Quebec Perspectives)



- ☑ **co-located services.** Many of the recommendations that participants shared involved integrating multiple service providers within the same facility, or in close proximity to one another, in order to provide “wraparound care.” This “hub” model was especially highlighted when discussing wise practices for vulnerable or marginalized populations.

“Customers are between two chairs and fall into the cracks.” (Quebec Perspectives)

Participants described how coordinated or co-located services support the well-being and safety of clients by:

- creating holistic, preventative care plans that address root causes and support multiple dimensions of well-being in order to increase the success of interventions;
- creating networks of support, which may increase the likelihood of detecting when individuals go missing, and avoid having clients “fall through the cracks”;
- minimizing the number of times clients need to retell their story, which may exacerbate trauma;
- improving continuity of care, and minimizing the impact of staff turnover;
- providing follow-up care to address needs that emerge through interventions;
- increasing awareness of available services;
- enabling families to remain together as they receive care instead of separating them into siloed services; and
- minimizing the need for transportation between services.

“Services [should be] close together: They can see the options, they can see the goals, they know it’s there, it doesn’t have to be forced. Giving people hope that there is something there, creating conditions around them that their life is okay enough that they can think about that.” (Quebec Perspectives)

“There are individuals who are overloaded with service providers, too, because each one offers a specific service, instead of having a single service provider with an understanding of the overall situation.” (Quebec Perspectives)

“It cannot be assumed that [one] service [e.g., police] is responsible for all other services as well. We need to help clarify who does what. The problem is that the structures and the division of resources among the partners are decided elsewhere.” (Quebec Perspectives)



The Importance of Cultural Safety

Participants outlined various best practices for the ethical and culturally sensitive integration of Indigenous values and traditions in social services, especially when those services are delivered by non-Indigenous institutions and organizations.

Participants stressed the importance of providing *cultural safety* in the delivery of support services, which recognizes the internal diversity between and within different Inuit, Métis, and First Nations communities, instead of offering generalized “pan-Indigenous” or “Aboriginal” services. For example, there was a call to increase the availability of Métis-specific and Inuit-specific support services in urban centres. There was a call to demonstrate greater sensitivity for individuals’ diverse spiritual or religious beliefs, including, for example, accommodating Métis who follow the Catholic faith as well as those who follow Indigenous spiritualities.

“Even though we are all Indigenous, we need specific services. When you are in a vulnerable place, it is most comfortable to be with your community.” (Inuit Perspectives)

“There are Métis people who follow the *wahkohtowin* ways. There are also lots of land-based Métis who are very Catholic, who would want to see a Catholic approach [to Métis culture in the prison system]. I have an uncle who is an oblate, who also fasts. He is comfortable walking in both worlds. People love him for that. He makes them feel at ease. There is not one set-in-stone Métis way, but let people be okay being both or one or another without judgment!” (Métis Perspectives)

In addition, participants in the 2SLGBTQQA Perspectives Dialogue indicated the need to provide cultural safety in terms of the particular challenges placed before 2SLGBTQQA people, who noted the need to reinstate and accept gender as a spectrum, rather than as a colonial binary. For these participants, culturally safe healing and services need to be inclusive of 2SLGBTQQA people who have felt excluded by colonial norms and within their own First Nations, Métis and Inuit communities because of their gender identity and/or sexual orientation.

The idea of cultural safety also extended to other aspects of care. For participants who are often forced to access services in a language other than their own, linguistic accessibility was important. In the Inuit Perspectives and Quebec Perspectives sessions, there was a strong emphasis on linguistic barriers that impede Indigenous Peoples from accessing critical support services, including health care, legal aid, and crisis support. Language barriers may also impact access to resources and information about available services, and these barriers may lead to discrimination from service providers. Participants described how linguistic barriers particularly affect traditional language speakers from northern, rural, or remote communities, especially when they travel to southern or urban centres. Anglophone Indigenous Peoples face an additional language barrier in Quebec.



Many of the participants who met within the Guided Dialogue sessions also worked collaboratively to discuss recommendations. Here, some participants from the Inuit Perspectives Dialogue, as well as other invitees, meet in Ottawa.

Additionally, participants discussed how Indigenous Peoples may feel more comfortable and safer expressing themselves in traditional languages when speaking about trauma or emotionally charged issues.

“If someone from the North goes to the Val d’Or hospital, she will probably wait a long time, and probably [she will] stop the treatment, because there is no translation or support.” (Quebec Perspectives)

“Another story about a woman in a park: it was visually clear she was sexually assaulted, but because there was a language barrier and she was a sex worker, the police easily dismissed her.” (Quebec Perspectives)

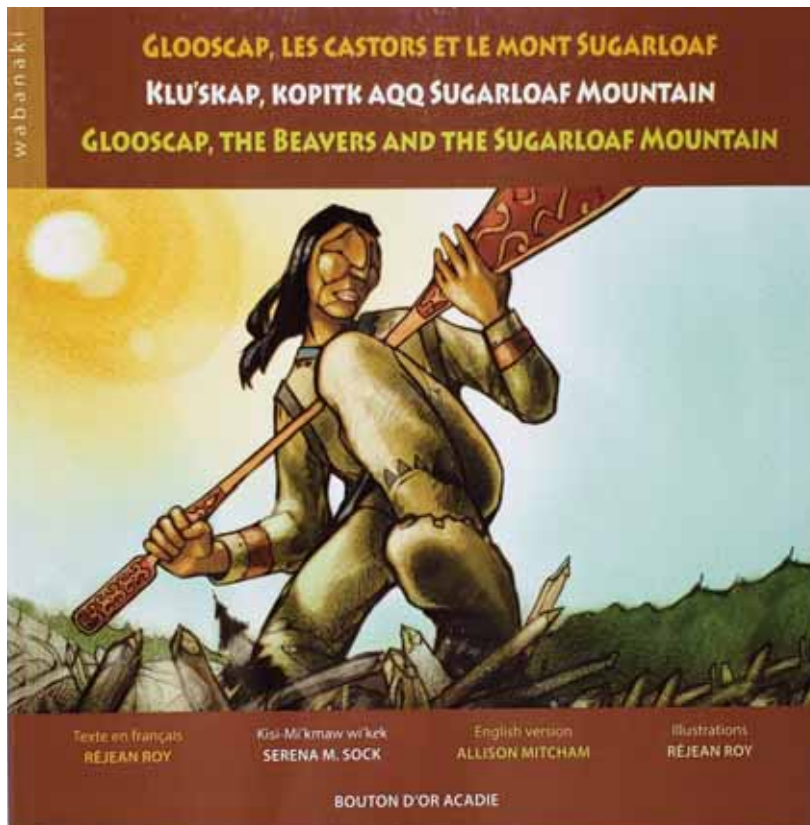
One participant described the lack of Indigenous interpreters as a form of discrimination, while others noted the historical and spiritual significance of being able to speak in traditional Indigenous languages.

“Expressing yourself in another language when you are in pain – it isn’t your mother tongue.... A lot of people don’t understand the significance between language and your spirit and how those things work together.” (Quebec Perspectives)



Recommendations to increase linguistic accessibility included:

- ✓ **federal or provincial funding** for interpreters;
- ✓ a **national database and call centre** offering individual referrals to local translators or linguistically accessible support services;
- ✓ **staff who are fluent in Indigenous languages** that are in high demand in the communities they serve;
- ✓ **team-based care or co-located services** to increase the likelihood that clients can be served in a language of their choice; and
- ✓ **key resources and reports published in Indigenous languages**, to serve communities of interest.



“Glooscap, the Beavers and the Sugarloaf Mountain,” or “Klu’skap, Kopitk Aqq Sugarloaf Mountain” in Mi’kmaq, is an example of how local Indigenous stories can be published in English, French and Indigenous languages. Copies of this book and others in the series were donated to the National Inquiry’s Legacy Archive, AF A2018-0004.1 to 0004.



“When we speak our language...”:

Understanding the Foundation of Indigenous Knowledges

While the right to culture is foundational to the right of self-determination, the right to language is foundational to the right to culture.

Language is one of the main ways people convey their culture.ⁱ It shapes the way people view the world, and contains knowledge unique to its people. It connects people to their land, their laws, and their ancestors. Culture is so often rooted in the language that, once language is taken away, culture is much more susceptible to being eroded – and, with it, Indigenous knowledge, values, and teachings.

Elder Kathy Louis is Chief Commissioner Marion Buller’s advisor, and a member of the National Inquiry Elders and Grandmothers Circle. In her experience, language is critical to cultural knowledge.

The primary means of teaching proper behaviour and community-held values was informally through storytelling. Stories are powerful ways of sharing traditional teachings of cultural knowledge. Deep listening is necessary. The tradition of respecting Elders for their wisdom, age, experience, and sharing plays an important role in the passing on of cultural knowledge.ⁱⁱ

Because Indigenous women are usually the traditional keepers of their languages and cultures, the cultural knowledge passed from mother to daughter is critical to maintaining that common sense of identity. Colonial policies that sever Indigenous women from their children (for example, residential schools, the Sixties Scoop, and child welfare), or Indigenous women and children from their communities (for example, discriminatory laws regarding Status and matrimonial property rights), are particularly effective at devastating Indigenous languages. As a result, every Indigenous language in Canada is now at risk.

In 2016, only 12.5% of Indigenous Peoples spoke an Indigenous language as their mother tongue.ⁱⁱⁱ Of the more than 70 Indigenous languages spoken in Canada, 25 languages have less than 500 fluent speakers.^{iv} Joann Green shared at the Inquiry’s Heiltsuk Women Community Perspectives panel in Vancouver how much this affects her.

As a Hemas [hereditary chief] in our community, I struggle with the idea that our language – our Heiltsuk language is so close to extinction. In August of this year, I conducted a research project and was so disheartened because I realized that our fluent speakers were only at 1% of our entire population, and that really broke my heart.^v

Losing one’s language makes it much more difficult to connect to one’s own identity as an Indigenous person. This has a significant impact on Indigenous Peoples’ health and wellness. The National Collaboration Centre for Aboriginal Health (NCCA) has argued that culture and language are social determinants of First Nations, Inuit, and Métis health, and this is borne out in the testimonies we heard. Many people feel shame for not knowing their language anymore, and that loss of cultural identity contributes to depression, anxiety, substance abuse, and, in some cases, suicide.^{vi}

The loss of Indigenous languages is not an inevitable result of the modern world, but of intentional assimilationist policies that targeted Indigenous languages for extinction. This is a violation of Indigenous Peoples’ languages rights, which were most recently



enshrined in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). Speakers at the UN's Permanent Forum on Indigenous Issues have called the ongoing violation of language rights a form of cultural genocide.^{vii}

However, this also means people can find healing and well-being through relearning their Indigenous language. This revitalization strengthens families and is part of the resurgence of Nation-specific knowledge, world views, and legal systems.

Although languages are severely threatened, more and more people are stepping forward to relearn their languages. According to the 2016 census, the total number of people who can carry on a conversation in an Indigenous language rose by 8% from 1996 to 2016.^{viii} Estimates also suggest that 35% of Metis, 23% of First Nations, and 10% of Inuit are currently learning an Indigenous language as an additional language.^{ix}

There are also several successful initiatives going on today for language learners of all ages, including language nests and immersion daycares for small children, one-on-one master/apprentice programs for adults, language programming in schools and universities, and apps and digital programs to bring Elders' knowledge more easily to the next generation.^x

Elder Kathy shares that Elders in Samson Cree Nation are continuing the necessary work in teaching language and culture to the next generation.

The Elders in my community in Alberta say, "When you lose your traditional language, you lose the cultural knowledge," and in my opinion you lose your sense of belonging. Today in my community the local Elders insist and encourage Cree language [Y dialect] be taught and learned by those prepared to learn about the richness of our culture, and thus learn about the sacredness of the different stages of young girls' development. Young girls are required to participate with mothers, grandmothers, aunts, and other relatives in their development of discipline and responsibility. These values are taught throughout the time spent with the role models. This process

occurs as young girls evolve to womanhood, through the puberty rites ceremony. This process is basically the traditional teaching application and foundation of the medicine wheel teachings.^{xi}

Wolastoqew (Maliseet) Elder Imelda Perley participated in the National Inquiry's Knowledge Keepers panel in Moncton, New Brunswick. She is doing her part to bring the language back, one child at a time.

My favourite responsibility is I sing to the babies in the womb.... One way for me to save the language is by naming those babies, but I would get them, you know, used to their language. And I work with moms to say the first thing that baby should hear is not, "Is it a boy?" or "Is it a girl?" it's [phrase in Wolastoqew]: "I've been waiting for you, and here's your language that's been waiting for you."^{xii}

In the same panel, Mi'kmaw Elder Miigam'agan shared that the language comes from their ancestral grandmothers, and contains the essence of how they perceive the world.

That's my driving force to continually to honour the language and to bring the voice ... of our cultures forward. And they were held by the women.... When we speak our language, we regard women to be the highest source of life. And then so the women teach us, our mothers teach us how to connect to life.^{xiii}

Rebuilding all Indigenous languages through recovery and revitalization back to normalization – a task former Governor-General Adrienne Clarkson calls on Canadians to embrace as a "national imperative"^{xiv} – will require meaningful, equitable government funding support.

Funding for Indigenous language support has been in decline in recent years, as the Truth and Reconciliation Commission of Canada (TRC) reports. This is in stark contrast to the funding dedicated to French-language services, which the Supreme Courts of Canada have vigorously defended as essential to the right to freedom of expression.^{xv} The National Inquiry agrees



with the TRC that this same defence should apply to Canada's "original" languages^{xvi} just as much as it does to the official languages of English and French. Federal, provincial, and territorial governments cannot look at funding for Indigenous languages as something "extra," but as a critical component of fulfilling their mandate on language rights in Canada.

Revitalizing and normalizing such a wide diversity of Indigenous languages across the country will be no easy feat. However, it is essential to the health, identity, and sovereignty of Indigenous Peoples. As the National Collaborating Centre for Aboriginal Health says:

The urgency to revitalize and restore the well-being of culture and languages is now more than ever a critical endeavor. This task will enlist the expertise and collaboration of many, including elders, linguists, teachers, educational institutes, non-profits, health care providers, and government. It will take place in language nests, in classrooms, around the kitchen table, and in environmental and digital landscapes. Ultimately, this concerted vision can ease intergenerational traumas, promote holistic healing, rebuild self-esteem, and restore cultural and linguistic pride.^{xvii}

- I Kirmayer, Brass, and Tait, "The Mental Health of Aboriginal Peoples," 613.
- II Elder Kathy Louis, personal communication, February 6, 2019.
- III Statistics Canada, "Census in Brief: The Aboriginal Languages."
- IV Boulanger, "Indigenous Language Revitalization."
- V Joann Green (Heiltsuk), Part 1, Public Volume 90, Vancouver, BC, p. 17.
- VI National Collaborating Centre for Aboriginal Health, *Culture and Language as Social Determinants*.
- VII "Permanent Forum Speakers Say Violation of Language Rights 'Cultural Genocide,' Call for Concrete Public Policy to Protect Indigenous Languages," United Nations Meetings Coverage and Press Releases, HR/4948, April 24, 2008, <https://www.un.org/press/en/2008/hr4948.doc.htm>. See also Skutnabb-Kangas and Dunbar, "Indigenous Children's Education."
- VIII Anderson, Insights on Canadian Society, "Results from the 2016 Census."
- IX Statistics Canada, "Census in Brief: Aboriginal Languages in Canada"; Frideres, "Continuity or Disappearance."
- X National Collaborating Centre for Aboriginal Health, *Culture and Language as Social Determinants*.
- XI Elder Kathy Louis, personal communication, February 6, 2019.
- XII Elder Imelda Perley (Wolastoqew), Part 1, Public Volume 44(a), Moncton, NB, p. 41.
- XIII Elder Miigam'agan (Mi'kmaq), Part 1, Public Volume 44(a), Moncton, NB, pp. 62, 63.
- XIV Clarkson, "Indigenous Languages Are Vital."
- XV TRC, *Canada's Residential Schools: The Legacy*.
- XVI Assembly of First Nations, "Assembly of First Nations Engagement Sessions."
- XVII National Collaborating Centre for Aboriginal Health, *Culture and Language as Social Determinants*, 7.



The Importance of Education

Every single Dialogue group across the country called for ongoing, mandatory training to equip front-line workers and management to serve and engage with Indigenous communities in culturally sensitive and safe ways. Participants recommended training in various sectors, including law enforcement, justice and correctional systems, health care, education, child and family services, and natural resource industries. Additionally, some participants suggested training for Elders and Knowledge Keepers working with marginalized populations.

“We need to be seen as human.... There is so much education that needs to happen.... If police officers have never been taught about the history of why things are the way they are, that things didn’t just happen, then how can we expect them to know? We need to educate front-line workers about why women [engage in sex work], why they’ve fallen into alcohol and drugs. They don’t just fall into it for no reason or like that [with a snap of the fingers].” (Métis Perspectives)

Proposed topics included:

- history of Indigenous Peoples in Canada, and the impacts of colonialism
- cultural awareness training on the traditions, values, and world views of specific Indigenous communities
- Indigenous language training specific to communities they serve
- cultural safety and cultural humility training
- 2SLGBTQQIA-inclusion, particularly within an Indigenous context, including an understanding of traditional Indigenous understandings of gender and sexual orientation
- anti-oppression and decolonization
- understanding of historical, intergenerational trauma and trauma-informed care
- crisis de-escalation and non-violent intervention
- harm-reduction approaches
- suicide prevention and intervention
- context-specific training, such as abuse and domestic violence, sexual exploitation, mental health concerns, working with youth, etc.

“Anti-racism education is important ... because learning about bannock is not going to help change your views.” (Métis Perspectives)



“More needs to be done for services to be trained in the Two-Spirit community. The Indigenous context is different.” (Quebec Perspectives)

“That the history and realities of the Métis people be woven into the very fabric of Canadian society, through building the skills, knowledge, and competencies of the policy makers, the members of the judicial system, the health care system, and the education system.” (Métis Perspectives)

Recommendations for the implementation of public sector training included:

- ✓ **mandatory training** for all public sector workers;
- ✓ **continuous training and professional development.** Participants noted that current training programs are often optional or are limited to a brief orientation training. They emphasized the need for continuous, gradual, in-depth training to familiarize staff with emerging issues and best practices;
- ✓ **context-specific training**, adapting national programs to reflect the specific Indigenous communities and marginalized populations they serve, and tailored to users’ needs;

“Inuit and First Nations are different. There are officers who have worked briefly with First Nations, who come to the North, and they treat us the same [as First Nations].” (Inuit Perspectives)
- ✓ **training in collaboration** with Indigenous communities, and/or training delivered by Indigenous facilitators. One participant in Wendake suggested incorporating a “feedback loop between clients and those who train their service provider, in order to be able to influence the training that will have an influence on the next generations”;
- ✓ **curriculum integration**, starting in elementary and secondary schools, but also including mandatory university-level courses;
- ✓ **community orientation programs delivered by local organizations**, Elders, or other community leaders to introduce front-line workers to local community members, organizations, and the nuances of cultural norms, traditions, and protocols – from bereavement practices to seasonal rhythms. This recommendation was particularly emphasized in the Inuit Perspectives session, in response to the high turnover rate of social service staff in northern communities, which limits their ability to familiarize themselves with communities. Some participants recommended hiring Elders or other local community members as ongoing liaison workers supporting teachers, law enforcement officers, and other social service staff on a day-to-day basis; and



“[There is a need for] orientation, training and integration of new front-line workers into the communities. They must become a part of the community, we need to teach them about the community. We need to leverage our mayors to do some of this work. An appointed Elder in every community – they talk to all service providers, they will teach and give a cultural orientation, [and] this would be a salaried Elder. Our communities will grow from that.” (Inuit Perspectives)

“In our culture we acknowledge with a smile or a nod.... The Canadian army [had begun] training in her community. She was walking down the road while a platoon was marching towards her. She smiled at them and said, ‘You’d camouflage a lot better if you were wearing white,’ since they were in green gear in a snowy space. She expressed this in a joking way to express the hospitality northerners live. Her comment made the platoon laugh. To joke and be personal is a northern characteristic. [It is] berry picking season, caribou harvesting season—yet there are 40 members of the army on 40 ATVs back to back to back driving all over the land, scaring away caribou and squishing our berries!” (Inuit Perspectives)

- ☑ **accountable social services** for the implementation of measures to ensure cultural safety and inclusion in programs and policies. As one participant in Inuvik described, training should be “grounded in [a] professional expectation to utilize Inuit teachings throughout the job. This will be a form of prevention of violence and threats to the family.”

Continuity of Care

Participants stressed the importance of being able to build long-term, trusting relationships with service providers, including social workers, health care professionals, and law enforcement. The high turnover of staff in public sector work, and particularly in northern communities, can leave individuals feeling abandoned in the midst of crisis situations, which forces them to retell their story repeatedly, and erodes trust. Additionally, short-term placements limit service providers’ abilities to understand the needs and culture of the community they are working with.

“[She] needs the same person to work with her, listen to her, believe in her, instead of different people (rotating, no relationship).” (Inuit Perspectives)

Providing long-term funding for program sustainability was deemed important. Participants expressed a need for consistent, long-term, and, ideally, core funding for successful initiatives. This will enable community organizations to provide continuous service, develop long-term strategies, retain expertise, and relieve the administrative burden of annual grant proposals. Several participants critiqued the prevalence of short-term, project-based funding, which is often vulnerable to changes in government. They noted that short-term funding increases staff turnover, threatens the sustainability of projects and partnerships, and may require groups to pitch “something new” every year, instead of continuing, building on, and expanding successful initiatives.



“To think about initiatives over four years does not change society. You have to think in the very long term.” (Quebec Perspectives)

“We’ve done some really amazing things in the past, but with changes in government, funding and community, the projects fall apart.” (Métis Perspectives)

Long-term placements of social service staff, particularly in northern or remote communities, and encouraging social service providers to build trusting relationships with community members by engaging in community events, were considered important to continuity of care.



*Community Health Centre
in Pangnirtung, Nunavut.
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Exploring Safety through Four Key Themes

While participants across all four Guided Dialogues cited the interrelatedness of program themes, facilitators worked to understand how recommendations about best practices related to the four key rights areas encapsulated in the *Final Report*. As a way of grounding best practices for accountability, participants were guided through questions related to best practices in areas that contribute to keeping communities, and the women, girls, and 2SLGBTQQIA people within them, safe.



Culture as a Critical Source for Safety

A core theme throughout the Guided Dialogues was the vital importance of culture and community for the well-being of Indigenous communities. Based on the holistic approach to safety and well-being, which grounded the discussions, access to culture was seen as a fundamental right, a basic need, and a top priority to reduce risks of violence. It was given prominence as a key to empowering and revitalizing Indigenous communities. Participants spoke eloquently about the significance of land, languages, and cultural teachings as sources of strength, healing, and guidance that should inform work in all sectors. Family and community members were identified as critical sources of support and safety, especially for highly vulnerable members of society.

Participants offered a number of recommendations to support the revitalization of Indigenous cultures, to foster a positive sense of identity among Indigenous women, girls, and 2SLGBTQQIA individuals, and to strengthen community ties.

“Culture is a birthright, not a reward.” (Métis Perspectives)

“The answers are there and have always been there. We have not been connecting with them.” (2SLGBTQQIA Perspectives)

Challenges to Cultural Knowledge and Connection

Engaging in conversations about research models and equitable representation also engendered many discussions about the participants themselves. The Guided Dialogues weren't sessions aimed at hearing personal testimony, but many of those who attended were survivors of violence, people who worked with families, with women, with girls, and with 2SLGBTQQIA people, as well as family members themselves. The combination of their lived experiences, along with their professional expertise, generated important insights into the context of violence, based in racism, sexism, and ongoing discrimination, that impacts, in an intersectional way, the lives of participants.

As one 2SLGBTQQIA Perspectives participant noted, “There are so many spokes in the wheel of discrimination.” Participants in all four Dialogue sessions highlighted colonial policies and programs as a primary cause for the violence faced by Indigenous women, girls, and 2SLGBTQQIA people, as well as the contemporary impacts of those policies – such as substance use, interpersonal violence, abuse, and poverty – rooted in intergenerational and multigenerational trauma. As one participant in Toronto noted, “Colonialism is what brings us here today.”

In particular, participants spoke of the devastating impact of residential schools, the Sixties Scoop, displacement from traditional lands, and the destruction or banning of traditional Indigenous traditions (for example, the killing of Inuit sled dogs). As one 2SLGBTQQIA Perspectives participant noted, “The old people before them had no one to give this [cultural] piece to, with residential school, etc.” In other words, the physical and cultural separation brought on by these



policies resulted in entire bodies of knowledge not being transmitted. In addition, the reality of languages under threat was noted as an important part of the inability to transmit teachings, or to learn them as they were intended.

Disconnection and Dislocation

Participants in all four Dialogues also described how the disconnection from land, culture, and community caused by colonization has had a profound effect on Indigenous Peoples' sense of identity and purpose, increasing the risk of suicide or of engaging in substance use or violence.

Discussing the loss of connection from a traditional land base and from the cultural identity associated with it, several participants across all four Dialogues commented on the pain of becoming disconnected from their traditional land base in both a material and physical sense, as well as in a cultural or spiritual sense. In the Métis Perspectives Dialogue, in particular, participants described how questions of identity become even more fraught, due to differing perspectives on the definition of "Métis," and the lack of a Métis land base in many situations that could help bring communities together to exchange knowledge. As one participant noted, "Not participating in your culture, you lose your identity and you suffer throughout your life not knowing your identity and where you came from."

For Inuit participating in the Inuit Perspectives Dialogue sessions, the impact of multi-generational trauma and of intergenerational trauma is rooted in policies the National Inquiry also heard about in the context of its other hearings. For instance, many participants discussed the impact of the killing of Inuit sled dogs in the mid-20th century. As one participant described, the sled dogs were an essential part of Inuit people's livelihood, serving as protectors and companions while facilitating transportation and hunting. Participants discussed how losing the sled dogs, as well as losing traditional hunting skills and being forced into stationary communities, contributed to poverty, food insecurity, and a sense of anger, frustration, and purposelessness among Inuit youth and men. As one Inuk explained, "They used the agricultural law from the South to justify the kill[ing] of the dogs and killed the lives of those men as they knew it." The impacts of that policy have crossed over into the next generation, as one participant noted about youth.

"We have a generation that are stuck because they don't know traditional practices for resiliency and survival. They don't have an education that provides that opportunity so that they can't fall back to the traditional skills, but they also don't succeed in the wage economy and they are stuck in the middle. They don't know this and they also don't know that – and there is a lot of rage. And that's why there's a lot of acts of violence."
(Inuit Perspectives)

As this example also makes clear, some participants in the Inuit Perspectives session described a sense that youth in their communities are caught "in between cultures" or "in two different worlds, our traditional lives and modern lives."



Aawi – “One who is who they’re supposed to be”

By Roger Roulette, Ojibwe Language Specialist

Pronoun – A pronoun is a word that takes the place of a noun.

In Algonquian languages such as Cree and Ojibwe, pronouns have no gender as in “he” or “she” as they do in other languages such as English. Instead, they have “proximates,” which are understood to be either “he/she” or “something alive.” This is the reason that some speakers in these Aboriginal languages may interchange the terms when referring to a third person, whether they are male, female, or other: in Cree, “wína” – “he/she or other”; in Ojibwe, “wiin” – “he/she or other.”

When these Aboriginal peoples are speaking in their respective languages, the only indication of any reference to gender is by other nouns, as in the following examples: “he is a big man,” *mindido inini*; “she is a tall woman,” *ginoози ikwe*. The other ways of gender qualifiers are adjectives. Adjectives define nouns or things. A man may be referred to as “beautiful,” as it is done in English, but the term is often associated with describing women or people of the feminine persuasion. It is also the same as the term “handsome” – *minwaabeke*, where it may be used to describe a woman’s appearance, as in “a handsome woman,” but is usually attributed to a man’s appearance.

The following are examples in Ojibwe grammar for nouns and adjectives that may indicate or designate as being close to a person’s gender.

Ikwewayaii (prep.) – something feminine, of a woman

Ininiwayaii (prep.) – something masculine, of a man

Wemitigoozhiikwe (n.) – white woman

Wemitigoozhi (n.) – white man (person)

Ikwewing (adj.) – of a woman, in the area of womanly

Ininiwing (adj.) – of a man, in the area of manly

For all intents and purposes, the Algonquian languages do not necessarily focus on the gender of the third person or “other.” Not only does use of such a language lessen the speaker to presume or make judgments, but the listener is expected to extrapolate or come to a conclusion for themselves on the qualities, gender, or other attributes of the one spoken about.

The term *aawi* is an Ojibwe word that literally means “he/she is who he/she is supposed to be.” Because Ojibwe and Cree have animate and inanimate designations in place for gender, the inanimate form would be *aawiwān*, or “it is what it is supposed to be.” The former is used more often the latter, due to its practical usage.



Shifts in Societal and Family Values

Other elements of loss rooted in intergenerational trauma included cultural knowledge and traditions, which also connected with the violence that front-line workers and community members see today. For instance, in the Toronto Dialogue on 2SLGBTQQIA experiences, many participants described the lasting colonial influence on gender norms and relations, and perspectives on gender identity and sexual orientation, leading to increased misogyny, homophobia, and transphobia in Indigenous communities. For participants working within the 2SLGBTQQIA communities, the impact is severe, particularly when the understanding of the value of Two-Spirit and gender-diverse individuals in some Nations is not being communicated consistently today: “Our young people don’t know our history, so they don’t know who they are, so they became violent.”

These understandings – the ones that participants thought could offer pathways to healing and could constitute an important component of best practices in the delivery of services – are rooted in bodies of knowledge directly threatened by many colonial policies. For example, in discussing the loss of language and culture, many participants noted how the loss of the rich body of knowledge – including Indigenous languages, traditional skills, guided teachings, stories, ceremonies, and laws – directly compromised the access of Indigenous Peoples to supports and to services that take place within the context of cultural safety. Speaking of language, one Inuk participant noted, “Our language has changed so much over the years. My language is so different from my ancestors’ now because of the English influence.”

Across all sessions, participants also noted significant shifts in family and societal values, such as increased consumerism and social isolation, and decreased sense of resiliency or respect for Elders. For example, some participants proposed that some individuals, especially youth and men, may be led to engage in violence, criminal behaviour, or substance use as a way to fill in a gap left by the loss of their culture, linking the violation of cultural rights directly to the violence that targets Indigenous women, girls, and 2SLGBTQQIA people. As one person explained, in Toronto,

“Men have lost their teaching; they have been struggling with the consequences of residential school, drugs, and alcohol. They have crushed spirit and have forgotten that when they were born they received a gift as an Indigenous People, but events like the residential school have crushed their gift.” (2SLGBTQQIA Perspectives)

Ironically, as another 2SLGBTQQIA Perspectives participant explained, “For many, [correctional facilities are where] they get cultural support – many people, the first time they’ve been to a sweat was in a jail. So, they go back in there again to access that.”

One of the distinctive elements that emerged over the course of the Dialogue sessions was how, for some community members and front-line workers, lateral violence can also contribute to the targeting of individuals for violence. In the 2SLGBTQQIA Perspectives and Métis Perspectives



Dialogues in particular, participants also spoke about the lateral violence experienced by 2SLGBTQQIA people and Métis people. For instance, Indigenous 2SLGBTQQIA individuals face discrimination, marginalization, and harassment from members of some Indigenous communities as well as non-Indigenous 2SLGBTQQIA communities, and from broader society. Meanwhile, the existence of differing and strongly held views regarding what constitutes Métis identity can exacerbate exclusion and harassment within the Métis community, as well as from other communities, such as from some First Nations people.

Interpersonal Violence and Families under Attack

The impact of much of the discrimination described by participants was interpersonal violence and families under threat. Participants in all four Dialogue sessions identified family discord (including the perception of parental neglect by child welfare authorities, family violence, weak family ties, or parental substance use) as a risk factor for the safety and well-being of Indigenous children and youth. Many participants emphasized the negative impact of trauma, particularly from residential school experiences, on parenting abilities and parental substance use, creating intergenerational cycles of trauma and abuse. Similarly, participants discussed the rupture of family ties when family members were sent away to residential schools or placed in foster care, or needed to leave their home community to access services such as health care.

“She and her family were so close. They spent so much time together, working together, supporting each other, all filled with love. Residential school took that away.... When she returned home, nothing was the same. Ten months away, and everything was broken when she returned: the closeness the family had, the love they shared, the caring.”
(Inuit Perspectives)

“Growing up, our parents were caught up in their own addiction [and] we were left to our own devices.... Where I found safety was with my cousins; cousins took rank, took on roles to protect each other.” (Métis Perspectives)

Participants discussed how the lack of safety and care in the family home can lead to youth running away from home at an early age, or children and youth carrying the burden of taking care of other minors in the family. They indicated a need for greater support for children and youth facing or fleeing adverse conditions in their family home.

“Kids are running away because there’s something missing – unconditional love, a safe place.” (Métis Perspectives)

“When I was eight, I had to take care of my family. Today, I see my role being to look out for those girls and catch them. Nobody ever questioned my role as the provider and caretaker for my family, they always saw me as the strong one. I never got acknowledged for all the work I did, for all the growing up I had to do. If only there had been someone there to say, ‘How can I help you?’” (Métis Perspectives)



Recommendations and Best Practices: Centring Families

Of the many systems that participants discussed in reference to their work or to their own experiences, the well-being and unity of families were identified as being central to the safety and well-being of individual Indigenous women, girls, and 2SLGBTQQIA people. Participants highlighted childhood as a critical period that can either strengthen and protect women, girls, and 2SLGBTQQIA people from harm, or cause lasting trauma and lead to targeting. Participants discussed at length the damage caused by experiences of family violence, or by individuals becoming separated from their families through the residential school system, or by foster care interventions. They noted that family is a central value in Indigenous cultures, and that positive change often begins within the family home.

“To make change, you have to start in the bedroom, living room, kitchen and your bathroom, then four corners of your house, then your whole community. That’s how you keep your household and community from becoming a violent one.”
(2SLGBTQQIA Perspectives)

Participants discussed a range of systemic inequities that contribute to the persistent overrepresentation of Indigenous children in Canada’s foster care system,⁵ including:

- the historic use of foster care as an avenue for assimilation (most notoriously through the Sixties Scoop and Saskatchewan’s targeted transracial adoption program, “Adopt Indian Métis”);
- the impact of intergenerational trauma on family relations and substance use; and
- socio-economic inequalities, including the underfunding of child welfare and other social services on Indigenous reserves.⁶

Indeed, several participants noted that struggling parents are “criminalized” or “doubly victimized” (Quebec Perspectives) by a system that does not acknowledge these systemic inequities. For instance, one participant described how available subsidized housing does not always meet the square footage requirements set out by child welfare services, leading to child apprehensions (2SLGBTQQIA Perspectives). Participants described patterns of precipitous child apprehensions, which do not help improve living conditions, offer parents support and guidance, or work to reunite families.

“When you are accused of being guilty by service providers, you have to prove in court that you are *not* guilty. Children are always removed before the problem/issue is addressed.” (Métis Perspectives)

Several groups discussed how child welfare policies and criteria do not reflect Indigenous values and ways of life, operating under a “colonial structure” (2SLGBTQQIA Perspectives). In the Inuit Perspectives session, for example, several participants expressed a sense that federal child



welfare legislation does not always apply in an Inuit context, or reflect Inuit values regarding the priorities for child welfare. Some participants cited instances of child apprehensions based on discriminatory profiling of caregivers.

“[It] comes down to what the norm is. No one knows what the norm is for our communities. You shouldn’t measure our norms against what’s expected by ‘Canadian’ norms.” (Métis Perspectives)

“The court does not reflect Inuit values when making decisions. The courts should be accountable to the community.” (Inuit Perspectives)

“Child welfare is so important. Legislation has been made without our input. The way to live is so different. We need these laws that take care of our children.” (Inuit Perspectives)

Several participants noted a conflict of interest where financial incentives for child and welfare agencies, social workers, or foster parents may encourage the use of foster care as a primary approach to child welfare.

“There are whole economies where the whole communities [are] based on child welfare and raising Inuit children.” (Inuit Perspectives)

Noting the inequities, participants across all four Guided Dialogues also emphasized the negative impact that foster care experiences have on the long-term safety and well-being of Indigenous women, girls, 2SLGBTQQIA people, and families as a whole. These impacts include:

- weakened or permanently ruptured ties with parents, siblings, extended family, and home communities;
“We have no relations or support biologically and culturally due to the Sixties Scoop. Taking away a child’s most valuable resource – their family, extended family, and nationhood.” (Métis Perspectives)
- loss of culture, language, and sense of identity, especially when Indigenous children are placed in non-Indigenous families or far from their home communities. For instance, one participant in the Métis Perspectives Dialogue described losing their birth name and not learning of their Métis identity until they were in university. Some participants noted that the ongoing overrepresentation of Indigenous children in non-Indigenous homes has a similar effect as the forcible removal of children through the residential school system or the Sixties Scoop;
- risks of abuse or neglect for children in care. For instance, participants described instances of children’s being placed in unsafe homes, delays in registering children in school, and strict policies discouraging foster care parents from demonstrating affection



in healthy ways, such as through hugs. One participant in the 2SLGBTQQIA Perspectives session noted that 2SLGBTQQIA children and youth face an increased risk of experiencing harm in care;

- inadequate support services for children and youth in care, including gaps in capacity and funding to support children with Fetal Alcohol Syndrome, or children who have experienced trauma or abuse;

“In Nunavik we had 40 kids in foster care waiting for the Sûreté du Québec to interview them on their sexual abuse case, but the one officer was on sick leave so those children were just left in limbo.” (Inuit Perspectives)

- lack of stability for children cycling in and out of foster care or through multiple foster homes. For instance, one participant described how they had moved through 14 foster homes over the course of their childhood;
- profound sense of loss for parents, increasing their likelihood of engaging in substance abuse, violence, or experiencing mental health concerns, and limiting their ability to improve their parenting skills; and

“My best friend died because of the system. Her kids got taken away, then her house, then she ended up dying from alcohol poisoning. She had nothing. Nothing to live for. Nothing supporting her.” (Métis Perspectives)

“They are still quick to take children away. So, they are taking away the parenting learning.” (Inuit Perspectives)

- lack of support for youth aging out of care, as well as a lack of guidance for those still in care, increasing their risk for homelessness, poverty, substance use, exploitation, and engaging in criminal behaviour.

“[Youth aging out of foster care] have nowhere to go, they feel like ‘throw-aways.’” (Inuit Perspectives)

“The child can turn from victim to perpetrator without the proper guidance.” (Métis Perspectives)

In Depth: Understanding the Crisis of Child Welfare

While the alarmingly high rates of child apprehension are related to many of the different themes discussed in the Dialogues, including culture, health, security, and justice, participants discussed this system in relation to its impact on families and on connection as the starting point for discussing how it violates other basic human rights.



As a result, there was a strong call across all sessions for a preventative approach to child and family welfare services, with an aim to preserve family unity and avoid recourse to foster care interventions insofar as possible. Participants stressed the importance of providing support for the whole family, not just the children, because individual well-being is inherently connected to that of the family.

“Our child protection system is focused on crisis management. It needs to be reversed [to] focus on keeping families whole and healthy, [addressing] housing, parenting, counselling, food, financial problems.” (Inuit Perspectives)

“We don’t just work with the kid ... if we are going to help the child, we are going to help the family.” (Quebec Perspectives)

Specific recommendations include:

increased financial assistance for families, as participants noted the disparity between funding allocated toward foster care in significant amounts and the lack of funds directly supporting families to address their basic needs and long-term stability.

increased funding for family welfare services in general, increasing child tax credits and social assistance amounts to support low-income families, and ensuring that all children have equitable access to services through Jordan’s Principle⁷;

“Maybe they need a spare bed, maybe they need some more food security, and maybe they need to go back to school. We shouldn’t be separating families.”
(Inuit Perspectives)

“They are paying non-Inuit to raise our children. Yet we don’t get support to raise our own children.... If we only changed one thing, to put the money in the family, it would change things dramatically.” (Inuit Perspectives)

family healing and treatment centres that provide multigenerational, wraparound care, including substance use treatment, mental health supports, and guidance from Elders. Participants noted that this model would help address root causes of substance use or family violence, allow parents and children to remain together throughout the healing process, and provide specialized support for children experiencing trauma, violence, or neglect in their family home;

“Keep the families together during times of healing and a transition. Provide them with the support they need to work out their issues and rebuild their life.”
(Métis Perspectives)

“Whole family restoration and healing as opposed to removing one person and not addressing possible root issues and opportunities for re-traumatization when returning to the home.” (Inuit Perspectives)



“When we talk about removing men from violent situations, from home, we are actually continuing that cycle [of removing people] from home to go to residential school. We need to give people a place that feels like home, and to help children, [a place] that is age-appropriate for children, to help people to reconnect, to switch the dialogue from ‘your parents are bad’ to ‘your parents are hurt.’ Children are probably the most able to break that cycle. We need to understand why people are abusing, how we can [address this] in a way that reflects our values, and not the values of a court system.” (Inuit Perspectives)

- ☑ **outreach services**, bringing preventative services and support directly into the home; and

“When someone loses someone, our way is to go visit them. You do not ask them to go somewhere. People don’t have the care they need to recover their children and recover their life... Sometimes it just takes one warning for someone to change their behaviours. But you need to go there and talk to the person.”
(Inuit Perspectives)

- ☑ **culturally informed support and education for parents and caregivers**, including early education about healthy relationships, family planning, and parenting skills that are rooted in specific, local Indigenous values. Additionally, participants called for increased emotional support for new mothers, and support for parents or caregivers of youth involved in the justice system or engaging in high-risk behaviour.

“It’s grandparents that are now being parents for their grandchildren for whatever reasons. We hold sessions to support grandparents so they are not alone.”
(Métis Perspectives)

“We need Inuit-specific parenting teachings. Keep the kids together and the families together. The mother and the child are learning. Single mothers want to be with their child, but it’s a struggle without support.” (Inuit Perspectives)

“Now, when someone gets pregnant, it’s a panicky, difficult experience. But we should prepare them for traditional parenting [not just home economics] in advance in schools.” (Inuit Perspectives)

“Parents are not always equipped with parental skills to work with their teenagers. Create environments for parents, make a budget, make menus, equip parents to take care of children. Cooperative group workshops to equip parents.”
(Quebec Perspectives)

In the 2SLGBTQQA Perspectives session, participants recommended offering parents and caregivers 2SLGBTQQA competency training to increase their understanding, acceptance, and ability to support their children – especially for parents whose trans children are receiving gender-affirming care, and in communities outside of urban centres.



“If there is a transphobic family and that forces the child to run away, the kids can be taken under child welfare. The family should be able to receive support on how to parent their child better, and [how not to be] transphobic.” (2SLGBTQQIA Perspectives)

“There is a need too for families to adopt more inclusive and affirming languages. The families have to adapt to the reality of their children.” (2SLGBTQQIA Perspectives)

Participants also identified various recommendations to improve the safety and well-being of children and youth in care, including:

- ☑ **Indigenous child welfare agencies**,⁸ or culturally specific child welfare legislation that would be tailored to the cultural context of particular communities. One participant recommended that Elders be involved in shaping the legislation, offering guidance so that Indigenous child welfare agencies are shaped “from a spiritual and cultural place, not [a] colonial place” (2SLGBTQQIA Perspectives). Similarly, a participant in the Métis Perspectives session recommended the involvement of Métis child welfare agencies prior to apprehensions;
- ☑ **local foster care placements and kinship care**, including increased recognition and financial support for existing informal arrangements where children and youth are being cared for by extended family;
- ☑ **access to culture**, especially for children placed in non-Indigenous homes, such as by providing foster families with dedicated funding for cultural enhancement, and engaging children and youth in care in community-based cultural programs specific to their heritage;
- ☑ **stability** within group home staff, social workers, and foster care placements;
- ☑ **support for youth aging out of care**, including legal guidance, living skills, mentorship, and connections to Elders. One participant cited policies that allow children above the age of majority to continue receiving child support if they are enrolled in a full-time educational program. They suggested that as the “de facto parent” for children in foster care, the government should be responsible for comparable support; and
- ☑ **national or provincial advocacy bodies** to oversee and champion the needs and rights of children and youth, and to provide legal representation to children and youth who are not receiving adequate care in foster systems.

“There is an existing [new] advocacy group for children who are not being supported, but it’s only for children and only in the capital. So, [it] needs to be in other communities and not just for youth. Travelling from one community to the next is not working. Especially not for crises.” (Inuit Perspectives)



The Importance of Cultural Revitalization

Although participants in all sessions discussed the devastating impact colonialism had on Indigenous communities' ability to practise, develop, and transmit their culture between generations, they also celebrated and encouraged the increasing revival of Indigenous cultures.

In particular, several groups in the Quebec Perspectives Dialogue also echoed the notion that Indigenous women are sacred, and stressed the need for advocacy and awareness to value and empower Indigenous women as a component of cultural revitalization.

“Indigenous women are sacred; they need to be humanized. Indigenous women are easy to be discarded because we have been dehumanized. We need to hold our women and girls as sacred.” (Quebec Perspectives)

Approaches to fostering Indigenous culture included:

- ✓ **cultural programming** to pass on Indigenous teachings, values, ceremonies, and traditions with sufficient funding to equitably compensate Elders and Knowledge Keepers;
- ✓ **integration of cultural supports and ceremonies** in social services;
- ✓ **integration of Indigenous teachings in school curricula** that are culturally specific to different communities. Suggested programs included classes on Indigenous languages and history, allotted time to engage in seasonal traditions and ceremonies, and on-the-land programs. Participants recommended engaging Elders and Knowledge Keepers to collaborate with teachers in delivering culturally relevant curriculum. They noted that integrating Indigenous content in public school curricula is important for the cultural well-being of Indigenous students, and that it also increases awareness of Indigenous histories – and understanding and appreciation for Indigenous cultures – among non-Indigenous students. As a result, this can contribute to the dismantling of systemic discrimination and oppression in Canadian society as a whole;

“The majority of children in schools are Inuvialuit. Not all of us grew up in a cultural home. I had to be out of school for seasonal cultural activities. We’re trying to do that in schools, with Elders and champions who can teach children about being out on the land, and [who can] act as role models. Cultural [and] history classes need to be mandated, but education is run by [the] territorial government.” (Inuit Perspectives)

- ✓ **teaching of Indigenous languages** and promotion of their use in day-to-day life;



- ✓ **support for Indigenous artists** by investing in infrastructure for art production and sales, and promotion of, and advocacy for, Indigenous art in Canada;

“Elevate arts in the communities... [There] needs to be more knowledge about [the] role of artists in our decolonization process.... Make sure they are funded, have space to work, have a platform to share.” (2SLGBTQQIA Perspectives)

“Making art [is] a way to let our ancestors go through our body – and put it to use and do things that will vibrate through the next generation.”
(2SLGBTQQIA Perspectives)
- ✓ **public education and awareness campaigns** on Indigenous cultures and histories, and promoting lateral kindness and anti-oppression. For instance, some participants suggested establishing an Indigenous History Month modelled on the existing observance of Black History Month; and
- ✓ **programs dedicated to empowering and reaffirming** the identity of Indigenous women, girls, and 2SLGBTQQIA people, including programs delivered through schools.

Access to Culture in Urban Settings

Discussions about culture and identity in the Quebec Perspectives Dialogue session centred notably on delivering programs and services through a culturally grounded lens. This included the importance of incorporating culturally specific traditions, ceremonies, and healing practices, either within mainstream social service agencies or through Indigenous-specific service agencies, such as friendship centres or First Nations holistic health centres.

“Healing will happen through celebrating our identity in implementing our health and social services.” (Quebec Perspectives)

“Best practices deal with combining conventional knowledge and First Nations traditional knowledge. A First Nations agency, which entrusts to First Nations people the capacity to act for their services and care, all the while undertaking a decolonization process of health care and services, [would be] a contribution of First Nations knowledge from a cultural angle, connected to the family, the community.”
(Quebec Perspectives)

Additionally, some groups discussed the notion of “Indigenizing” urban spaces as a way to increase the visibility and recognition of Indigenous communities. For instance, participants highlighted ideas such as the use of Indigenous languages in street signs or creating a sweat lodge in a botanical garden.



“Create Indigenous spaces ... Indigenize the city and the people citizens interact with. There should be markers of this, for other citizens also. People need to see those markers: visibility.” (Quebec Perspectives)



Fort Smith, Northwest Territories has adopted stop signs that include local Indigenous languages. Source: Mario De Ciccio, Radio-Canada. No copyright infringement intended.

2SLGBTQIA Identity and Inclusion

A central theme in the 2SLGBTQIA Perspectives Dialogue was the tensions within Indigenous communities concerning differing perspectives on gender identity and/or sexual orientation, and the associated barriers to accessing culture and ceremony.

From some perspectives, traditional Indigenous cultures held an honourable place for Two-Spirit persons, which were altered by cis-normative and hetero-normative colonial influences. One Elder described this as the difference between the “old old way” (Indigenous culture before colonial contact) and the “new old way” (Indigenous culture influenced by colonization). Some Elders disagree with this view, reflecting a lack of acceptance of Indigenous 2SLGBTQIA individuals.

Participants described how some Indigenous 2SLGBTQIA people are embraced and supported by their family and community when they express their gender identity and sexual orientation. Others, however, face discrimination, marginalization, or violence, and may even be forced to leave their home communities in search of greater acceptance or support services. Similarly, participating in ceremonies in a way that aligns with an individual’s gender identity can be a profoundly uplifting experience, which allows 2SLGBTQIA individuals to connect more deeply with both their Indigenous and 2SLGBTQIA identities. Participants described how some individuals are excluded, discriminated against, or harassed in cultural or ceremonial



spaces, or are forced to take on roles in ceremonies that correspond with their biological sex instead of their gender identity. Several participants described a sense of having to choose between finding belonging in their home communities and Indigenous identities or “living their truth.”

“His communities would not let him participate in the Pow-Wow, dance, or drum because he was gay. [He] had to choose between being gay and [being] Indigenous.” (2SLGBTQQIA Perspectives)

“This is one place where we truly should be ourselves, but what if we’re not even safe there?” (2SLGBTQQIA Perspectives)

“The medicine man ... tried to exorcise me. He didn’t see me as a transman but as something that shouldn’t exist. But that really opened my eyes. I took it as a sign – that this is coming from a cultural leader and is influencing so many people, and that something is wrong.... Since then, I’ve been doing things. Putting up gender-neutral sweats. Talking openly about the events that took place, the hurt that happens, but also the transformational change.” (2SLGBTQQIA Perspectives)

Participants proposed various recommendations to support 2SLGBTQQIA inclusion in Indigenous communities and cultural spaces, including:

- ✓ **dedicated 2SLGBTQQIA ceremonies and cultural spaces**, such as gender-neutral sweat lodges;
- ✓ **visible indicators in 2SLGBTQQIA-inclusive spaces**, such as flying rainbow flags at Pow-Wows;
- ✓ **protocols and advocacy for 2SLGBTQQIA inclusion** in cultural spaces and ceremonies; for instance, allowing individuals to choose roles in ceremony based on their gender identity, or re-establishing traditional roles for Two-Spirit people. As one participant noted, dedicated 2SLGBTQQIA ceremonies help create a safe space, but can also perpetuate the marginalization and segregation of 2SLGBTQQIA individuals in Indigenous communities if “mainstream” cultural spaces assume that *they* don’t need to change. Participants spoke of the delicate balance between respecting Elders and cultural leaders and honouring conventional protocols, on the one hand, and, on the other hand, the need to “gently challenge and push” discriminatory teachings and practices that are jeopardizing the safety, well-being, and access to culture of Indigenous 2SLGBTQQIA people. They described gradual shifts in some communities led by dedicated role models, advocates, and allies, who determinedly participate in cultural spaces despite backlash, and who open spaces for dialogue; and

“I do things like, I bring a pipe. And that means a lot to them. People have children identifying as queer and they get to see that. Small steps – word is getting out there.” (2SLGBTQQIA Perspectives)



“There are 2S ambassadors, going around to different Pow-Wows with their sashes. Jokes about them are raised up by emcees, and they come up to raise awareness.” (2SLGBTQQIA Perspectives)

“I know it’s a continuum of change. And it’s not changing fast enough. It’s a challenge – the Sundance. We’ve seen that strict binary expectation, and youth being disrespected and ostracized in public. There needs to be a strong advocate.... How do we repair damage that’s done to them? An Elder had told a lesbian to leave – and we need to repair that relationship. But that’s reactionary, and we need to also be proactive. We need to challenge these situations. These 2S dancers – they take a beating, but she’s doing it. We try to support her as much as possible and unite. Some of the dancers, some of the drummers won’t dance with her. But that’s not the majority, the majority is open.” (2SLGBTQQIA Perspectives)

- ☑ **enhanced role of cultural leaders.** In particular, participants noted the degree of influence that Elders, Knowledge Keepers, and other cultural leaders can have on 2SLGBTQQIA inclusion in the wider community, especially when they are being called on by schools, social services, or community centres to lead ceremony. Having those individuals promote the visibility and importance of 2SLGBTQQIA people, and by including them, was noted as an important measure to increase cultural safety. In addition, participants called for allied cultural leaders to become more engaged in advocacy: for instance, by participating visibly in 2SLGBTQQIA events, conferences, or ceremonies, and therefore showing support.

Celebrating Métis Culture and Identity

In the Métis Perspectives Dialogue, there was a strong emphasis on the role of education, advocacy, and cultural programming to support positive perceptions of Métis culture and communities, reduce lateral violence and discrimination, and help foster a positive sense of identity among Métis people.



Beadwork as an Act of Resistance

Métis beadwork has its history in the lessons taught by First Nations mothers to their children, and then in the dynamic nature of the art that emerged from the process.

As material culture researcher Patrick Young explains:

The origin of Métis beadwork designs came from experimentation and merging of various art traditions that influenced Métis style. Several Plains First Nations used geometric patterns on their tipi covers, parfleches and clothing and, up until the 1840s, Métis decoration was dominated by geometric designs.ⁱ

Once the Catholic Church became more involved in Métis communities, and through the education by orders like the Grey Nuns in the West, many Métis beadworkers incorporated new floral designs, using new techniques. As Young notes, “By the 1830s, increasingly naturalistic and colourful floral designs became evident on Métis products from Red River after the establishment of Roman Catholic mission schools at Pembina, St. Boniface and Baie St. Paul.”ⁱⁱ

Métis beadwork was highly sought-after, especially during the fur trade and on clothing that traders wore, which often featured trailing flower designs that earned the Métis the nickname, from the Dakota Sioux and the Cree, of the “flower beadwork people.”ⁱⁱⁱ For a Métis family, beadwork could make the difference between an easy and difficult season, and the income generated from this work was an important piece of survival for many Métis families, particularly in the face of mounting pressure on their primary food source, the bison, and the need to market their work to non-Métis. Young says that some Métis women began making “decorated Victorian objects such as caribou-hide purses, picture frames, greeting cards, glasses cases and ladies’ caribou-hide slippers. In more northerly regions, women continued to produce traditional, decorated functional clothing items into the twentieth century.”^{iv}

Today, flower beadwork remains an important and distinctive symbol of Métis identity. But, like many art forms, beading isn’t just about art.

Beading represents an opportunity to retain and to share Métis knowledge. For example, Katherine Boyer, Métis artist and creator of the exhibition “The Prairie Rose Won’t Mourn Us,” explains how her art is drawn from the lessons learned from important women in her life, from other artists, from her mother and her grandmother. As she explains:

Another thing I saw as a young girl was the care that exuded from those female relatives.... I still think that is the core of why I take the time, and why I spend such an absurd amount of time, doing this work – it’s to connect with that place, and that memory, of all of those women (from my family) that is founded in care and connection, in physical work.... I see a strong tie between using these materials and connecting to the familial memory that I’ve just described – it’s an important place of grounding.^v

In addition, Métis beadwork today can constitute an important act of resistance in its use to raise awareness on important issues impacting Indigenous and, specifically, Métis women. In addition, the act of resisting the assimilation of colonization to engage in ongoing cultural practice is an important element to the craft. One project that combined beading and resistance is “Walking With Our Sisters,” a crowd-funded project that features thousands of beaded vamps – or moccasin tops – meant to honour women, girls, and 2SLGBTQQIA people who are missing or who have been murdered.^{vi}

According to the project’s website, Walking With Our Sisters features 1,760+ pairs of moccasin vamps and



108 pairs of children's vamps "created and donated by hundreds of caring and concerned individuals to draw attention to this injustice."

What's more:

Each pair of vamps (or "uppers" as they are also called) represents one missing or murdered Indigenous woman. The unfinished moccasins represent the unfinished lives of the women whose lives were cut short. The children's vamps are dedicated to children who never returned home from residential schools. Together the installation represents all these women; paying respect to their lives and existence on this earth.

They are not forgotten. They are sisters, mothers, aunts, daughters, cousins, grandmothers, wives and partners. They have been cared for, they have been loved, they are missing and they are not forgotten.^{VII}

Projects like this one demonstrate how beadwork that historically affirmed and supported Métis women is still important in affirming and supporting women today. As interdisciplinary artist Amy Malbeuf, Métis, from Rich Lake, Alberta, shares, "Beadwork is resistance. Beadwork is revolutionary.... We are celebrating and being proud of our culture. Being involved in these things makes us strong individuals and nations."^{VIII}



In This Painting is a Mirror, by Métis artist Christi Belcourt, tiny dots of paint mimic the look and feel of traditional Métis beadwork. Used with the permission of the artist.

- I Young, "Métis Beadwork," 1.
- II Ibid., 2.
- III Ibid., 1.
- IV Ibid., 3.
- V Fournier, "Métis Beading."
- VI UM News Today, "Sewing the Beads of Change."
- VII <http://walkingwithoursisters.ca/about/>.
- VIII Kirman, "Beadwork is an act of resistance."



Recommendations included:

- ✓ **cultural programming and curriculum integration** to help revitalize and practise Métis language and culture. One participant highlighted the Gabriel Dumont Institute’s Métis Essential Learnings (MEL) project, which conducted focus groups in Métis communities across Saskatchewan and consulted Elders to develop a community-based understanding of Métis culture and identity. They have developed a library of resources to help safeguard Métis culture and history. The project’s next step (pending funding) is to work with the Ministry of Education to incorporate cultural information into the curriculum of schools in Saskatchewan;

“Making the sound of the language spoken word. I don’t speak Michif, but when I was exposed to that, everything inside of me changed.” (Métis Perspectives)

“There’s singing, jigging, dancing, which is full, healing, fun and joy-filled. That in itself gives girls, people good memories and good feelings and release and empowerment.” (Métis Perspectives)
- ✓ **the fostering of a positive sense of Métis identity** by facilitating connections with family, land, community, and culture;

“I didn’t grow up in my territory. I was adopted out to BC. This dialogue is like coming home. I will be going to visit my home territories for the first time. I’m meeting my family and learning my language, and this has been transformational for me.” (Métis Perspectives)
- ✓ **education and advocacy** on Métis culture, history, and achievements, to increase the visibility, understanding, and appreciation of Métis people;

“I’m very proud to be a Métis, because of all we have accomplished despite the hardships. We carry the cross and we carry the smudge. That is the contract. We are able to negotiate those worlds.” (Métis Perspectives)
- ✓ **acknowledgement of the traditional homelands of the Métis;**

“The words we choose are important. Elders say, ‘I am glad to be on your Treaty 6 territory and homes of the Métis.’ Métis acknowledgement is important.” (Métis Perspectives)
- ✓ **enhanced dialogue and respectful relationships between Métis and First Nations communities;** and
- ✓ **respect for individuals’ self-identification as Métis.**

“[We] need to respect how people self-identify. [I] had to fight my way into being able to identify how I want to identify.” (Métis Perspectives)



This Red River cart was gifted to the National Inquiry during the hearings held in Saskatoon, Saskatchewan, AF A2017-0027.1-0027.3.

Métis participants were confident in their own identities as Métis people, but called for allyship from other Indigenous groups, and from Métis groups, in terms of creating culturally safe places to be Métis and to engage in culture.

“Coming in with pipes and drums ... shifts the atmosphere and the conversation.”
(Métis Perspectives)

“At the Law Society, when I sing or give a teaching or speak in the language, I feel like I’m changing the molecules of the space.” (Métis Perspectives)

Fostering Inuit Values and Culture

Participants in the Inuit Perspectives dialogue spoke of Inuit culture, values, and traditions as a central source for well-being in Inuit communities – helping to foster a sense of purpose and belonging, supporting sustainable livelihoods, and offering guidance for the development of respectful relationships.

Recommendations centred on the revitalization of traditional skills, such as hunting, fishing, harvesting, and sewing. Participants spoke of traditional skills, such as drumming, dancing, throat singing, and the sharing of stories and myths. Several participants recommended teaching Inuktitut in schools and promoting the use of Inuktitut in the public sphere, such as including fluency in Inuktitut as an asset, priority, or requirement in the hiring of social service staff.

“It’s taking time to get back to our traditions, because it was beaten out of us in residential school. We have to relearn how to light the qulliq, and sing the songs in the morning. This is what keeps us safe. We need a good cleansing in the region, because we had two residential schools here in Inuvik. We are strong and resilient, but we need time to reconnect with that.” (Inuit Perspectives)

“I teach seal skinning sometimes.... When they learn, there is a sense of pride. There are feelings of self-esteem and success. Once you accomplish something, whether for girls or boys, there is a sense of accomplishment and pride, which helps alleviate them from [painful] things.” (Inuit Perspectives)



The Inuit Naming System

When an Inuk child is born, they are usually given the name of another person. Naming practices assign one name or several at the birth of an Inuk child, depending on the region. One could not tell whether a person was male or female just by their name because Inuktitut, the Inuit languages, are not gendered. The person a newborn is named after is their *sauniq/atiq*, which translates to “homonym” (Latin: “having the same name”). *Sauniq* literally means “bone”; a child is normally named after a deceased relative and so your *sauniq*, your namesake, is your bones. In certain regions, the term *atiq* designates the namesake, and it means “name.” This naming system was based on reincarnation, and in place before the influence of Christianity and the imposition of family names by government.

When an Inuk woman is pregnant, she begins searching for a possible name for her child. A dream of a deceased loved one is often an indicator of the name to be chosen. In the Inuit way, once a child is named, the child carries the kinship links of their *sauniq*. So, for instance, if the child’s *sauniq* (homonym) had a son, this son becomes the newborn’s son, and the child must address him as her son. A child may be given different names or even change her name later in her life – for example, if she was ill and in need of strength, a new name could be given to her. All Inuit children were named in this manner.

Today, the child is said to carry the strengths, abilities, and the character traits of her *sauniq*. The kinship bonds created through the naming system form the identity of the child; as she grows up, she learns of who she is as her parents and grandparents teach her all the kinship terms of her relatives, through her *sauniq*. The child growing up with the name of her *sauniq* forms a special bond with her kin and she maintains close relationships with her kin. In this manner, the Inuit family maintains a close bond based on kinship.

What is special about carrying the name of a relative is that an Inuk child also carries on the kinship links of their *sauniq/atiq*. The deceased loved one they have been named for has been reincarnated at the birth of the baby and the child continues to carry on kinship relationships. Kinship plays a crucial role in the Inuit community: as the child’s identity is forged,

so are her relationships with her kin and community. These relationships show her the importance of not only her history and identity, but also that those around her love her and treasure her. She learns to care for others and remains close to them. In this manner, kinship maintained social order, and this cultural practice brought about safety.

During the hearings, we heard several Inuit families speaking the name of their loved ones. Martha A. U. spoke her daughter’s name to the National Inquiry, as she began telling her truth: “Tracy ... was her name. I never called her *panik* [daughter], I called her my son, even though she was female, yes. She was named after my father. When I was a child, I was very envious of other children who grew up with a father because I didn’t have a father growing up.”^I

Janet B. also spoke of Inuit names and of the importance of having a name:

So, Ashevak is my – I call him middle son now. Now we have Miles, who is 12 now (and younger than Ashevak); ... but also, my youngest son is actually named Anguti, after Qajaq’s brother. And you know, our names are so important to us in our relationships in our lives, our Inuktitut names. They’re an important way to create lifelong connections and life experiences and expectation. Above all, we are always expected to be of good behaviour so that we can honour the name we are carrying.^{II}

I Martha A. U. (Inuit, Iqaluit), Part 1, Public Volume 48(b), Rankin Inlet, NU, p. 2.

II Janet B. (Inuit, Iqaluit), Part 1, Public Volume 48(a), Rankin Inlet, NU, p. 43.



Additionally, participants described many traditional Inuit teachings and values that they saw as important for promoting well-being, such as resiliency, community interconnection, family ties, and minimalism. Participants spoke of the importance of grounding policies and social services in northern communities in Inuit perspectives, instead of “imposing” southern models.

“In the old days, we did not wish for things others had. We had food and we had housing. We were accepting the way of life. Today we have too many things we want. We have to live in two different worlds. We have to try to live in two different worlds: our traditional lives and the modern lives. Now we need more. We used to appreciate every piece of clothing because it was handmade.” (Inuit Perspectives)

Additionally, there was a strong call for designing and delivering programs and services in a way that embodies distinctive Inuit world views and values, and that dedicates spaces and resources for integrating Inuit traditions, ceremonies, spiritualities, and healing practices. Participants noted that programs that are culturally relevant can have a deeper impact, as they support social, spiritual, and cultural dimensions of well-being; help to address trauma from colonial impacts; and help to recover and apply traditional, holistic responses to complex issues.

“Teach them how to deal with trauma. It existed before the colonization. We need to learn how to deal with it traditionally.” (Inuit Perspectives)



In Ottawa, Ontario, Abigail and Charlotte Carleton throat-sing for the group.

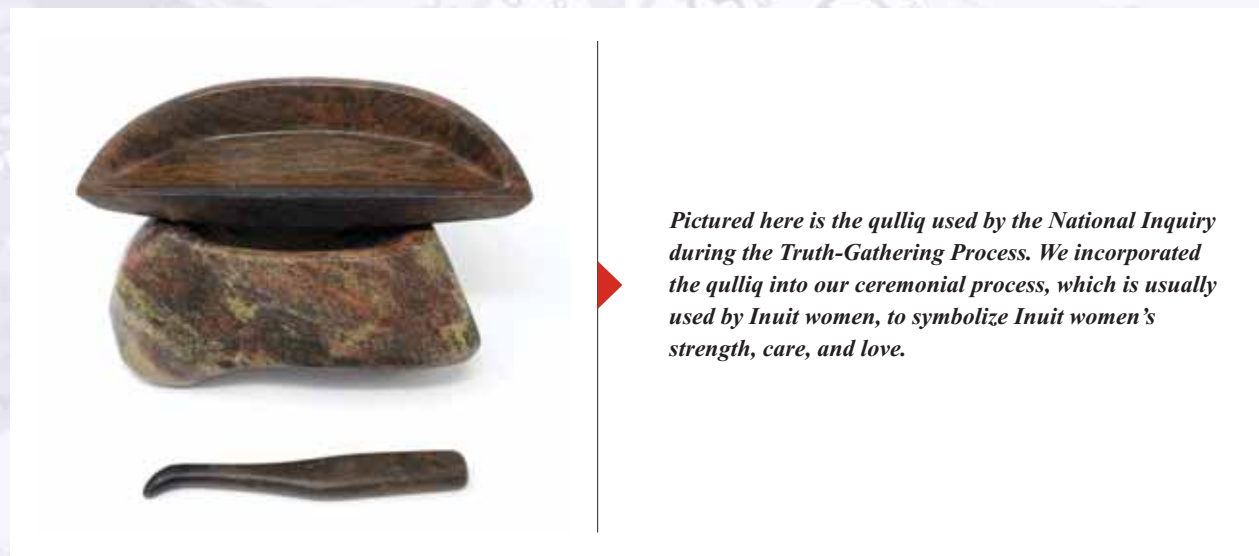


“Today is a new way of living”: An interview with Dorothy Taqtu Aglukark

She was born in Arviat, in 1945, when her parents and grandparents, and other Inuit, used to move inland during summers, “to the mosquitoes!” Her grandmother had named this baby, still in the womb, *Taqtu*, after her deceased brother. As Taqtu said, “They used to name babies after their relatives.” Her grandmother adopted her as per Inuit adoption practices and she was well loved and sheltered by her and her maternal uncles.

Dorothy Taqtu remembered the time when men would depart on hunting expeditions, for oil had to be procured for the *qulliq* (oil lamp) and skin for clothing. In her childhood, she recalled the men harvesting seals and having a delicious meal of seal stomach, and then the next memory was of moving camp along a river during summer. An image of geese comes as young snow geese are harvested onto a canoe. Taqtu said, “I remember them doing these things, observing them only; there is joy, and there is nothing to break the heart, and nothing to worry about.”

As she grew a little older, around 10 years old, it was fall, and her maternal uncle had come to fetch her and her grandmother to return to the sea for winter. They were lacking food by then, and her memory goes to her grandmother, who had cut a piece of leather and had told her to eat it. It was her first memory of hardship, for in the following days, one of the dogs would lose strength and had to be left behind. They walked a great distance and her uncle became snow-blind and asked Taqtu to watch out for sled tracks that would eventually lead the way. She recalled the joy when they arrived at a camp where they were welcomed and fed.



Pictured here is the qulliq used by the National Inquiry during the Truth-Gathering Process. We incorporated the qulliq into our ceremonial process, which is usually used by Inuit women, to symbolize Inuit women’s strength, care, and love.



In 1956, she had a little brother.

It would be the last time we would spend on the land that winter in the Inuit manner. The month of November, the ice had formed and an airplane arrived. Some *Qallunaat* came in to our *iglu*, and informed us that we are to go to school. Without any warning! My grandmother, who initially had said no, seemed to have acquiesced, since I would be with my brother. We boarded the plane, resisting, and we were sent away to the Arviat missionary school. That first night, he cried all night, and being so much younger he ended up being sent back home whereas I was to remain. However, I was intent on getting home.

One night, Taqtu began to walk back home, leaving the missionary school behind. She tells her story.

Now it is dark and nothing is visible outside. No one saw me for I had waited for night when all would be dark, so wise then! There is a hill that we know, I could imagine our family camp at a lake. Each time I saw a dark spot, probably a boulder, I would just give myself to it! As I continued in the dark and tired, I lay on a boulder

and slept to rest. I continued walking in the morning. And lo! There was our camp! My grandmother was completely surprised to see me walking in. A search party had been sent out, by airplane and dog team, but I had reached home fast enough.

When she thinks back to how she had walked away from residential school, she reflects upon the danger she may have placed herself in, but also on how she had missed an opportunity for education, thinking that she was a failure. Yet, after so many years, she encouraged her children to become educated. She looks back and she knows how well she has been. "Today is a new way of living, and it will continue to change. It would be good to understand these changes, being educated. Advising our children to be a certain way, and to not stay quiet."



Health and Wellness

Participants in the Guided Dialogues highlighted the intersection between physical and mental well-being and the safety of Indigenous women, girls, and 2SLGBTQQIA individuals. For instance, mental health services and substance use treatment were identified as being critical to supporting family well-being, preventing violence, supporting victims of crime, and rehabilitating offenders.

Recommendations to increase cultural safety and equity in health care services included:

- expanded and improved mechanisms for accountability and advocacy** to support patients facing discrimination or mistreatment in health care services. For instance, one participant recommended expanding the number of community health representatives to more communities, while another participant in the Inuit Perspectives session proposed establishing an oversight/advocacy committee made up of Inuit community members;
- cultural safety training for health care workers;** and
- dedicated 2SLGBTQQIA health services.**

Inequities in Health Services

Participants discussed two key inequities that impact Indigenous peoples' ability to seek or receive timely health and wellness services: discrimination and mistreatment; and gaps in services in various regions.

Participants in all four Dialogue sessions described instances of discrimination and mistreatment from health care workers, including:

- acts of racism, homophobia, transphobia, or discrimination against Anglophones in Quebec;
- actions by health care providers of dismissing symptoms, misdiagnosing patients, or making false assumptions based on race;
- refusals to refer patients to specialists, including substance use treatment programs or physiotherapy; and
- performances of procedures without a patient's full understanding or informed consent, such as in cases of forced sterilization.

Participants noted that the prevalence of these experiences has led to an erosion of trust in health care institutions, and that this becomes a barrier to Indigenous people seeking or receiving proper medical attention.

“Taking my own [family], or even just myself to the doctors is traumatizing. All because of past experiences.” (Quebec Perspectives)



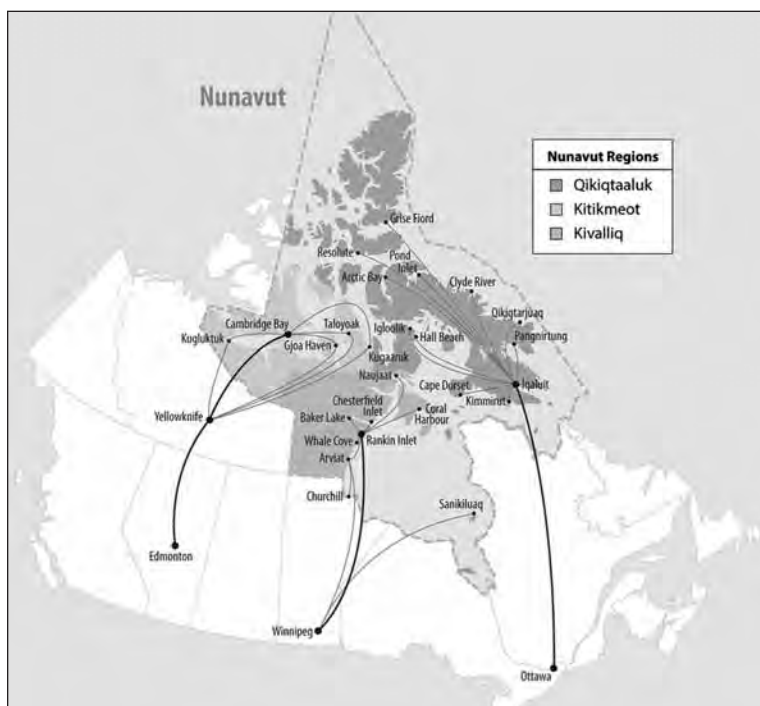
“A lot of people die from lack of care from the nurses who are not paying attention to their needs. Her mother had cancer for three months, and was just given Tylenol and sent home.” (Inuit Perspectives)

“Doctor[s] will reject Indigenous [patients] because our health concerns are too complex.” (2SLGBTQIA Perspectives)

Access in Remote, Rural, or Northern Communities

Participants also described how significant gaps in health care services in northern, rural, or remote communities negatively impact the quality of care that Indigenous people receive, and contended that this compromises the safety of individuals and their families.

Several participants discussed the risks associated with individuals’ having to travel outside of their community, province or territory to receive needed care. For instance, participants noted that the stress of this transition, coupled with a lack of family or community support, negatively impacts the patient’s well-being and recovery. Patients and accompanying dependents may also face increased risks in an unfamiliar urban context. For instance, one participant from Inuvik described how youth accompanying Elders to receive medical care may “end up being drawn out into vulnerable situations,” such as engaging in substance use, and “may not come back.” Additionally, it can be difficult for parents to find care for children and dependents while they are away. One participant described the case of a mother whose children were apprehended by child and family welfare services when she had to fly out of her community to give birth.



Inuit are often forced to travel far from home to access health services not available nearer to the community. For many, this travel places them directly in danger. Source: Office of the Auditor General of Canada, 2017, based on information from the Nunavut Department of Health.



“Often people have to leave to get higher level of [medical] care.... People can have escorts if they need them, but only people who are involved in their medical care. People with children often have to leave them behind, and [there is] not always a safe place for children to be; so they leave their children or don’t go.” (Inuit Perspectives)

Individuals may face long wait times to receive care either within or outside of their home community, which can significantly increase risks of harm, particularly for individuals seeking substance use treatment or mental health supports. Participants described instances where a lack of timely mental health support led to individuals’ committing suicide, or receiving inadequate, makeshift care. For instance, one participant from Inuvik described how “when someone wants to commit suicide and they ask for help, the service they get is being put in a jail cell to be monitored. When they are in the cell they experience discrimination, and lateral violence. There is no follow-up to make sure they didn’t cause harm to themselves or others.”

“When someone needs out-of-territory help for [substance use] treatment, they could be on a waiting list for six months even if they’re ready to go and accept help now.” (Inuit Perspectives)

“I know that if a child needs mental health services, they need to be assessed and the assessor often comes up from Saskatoon and that takes time.” (Métis Perspectives)

Recommendations and Best Practices: Addressing Gaps in Health Care Services through a Combined Model

While many participants recommended the expansion of mobile health services, some noted that these services are often too time-limited to provide sufficient care for complex concerns such as trauma. Additionally, the lack of permanent services within the community leads to insufficient aftercare (for instance, for individuals recovering from addictions), and offers people no alternatives when facing discrimination or mistreatment from local health care providers, or if they want a second opinion.

“Limited funding: workers can only visit communities once a year, which is not enough to help thoroughly heal the trauma.” (Inuit Perspectives)

“[A] psychologist would come on the reserve [for] 20 days within six months. This is not sufficient.” (2SLGBTQQA Perspectives)

“Having to move people out of the community to get support, and then to come back after two weeks to the community where they have lived for 48 years without support: it doesn’t work.” (Inuit Perspectives)



Participants proposed that supporting equitable and safe access to health care in remote communities requires a combination of approaches, including:

- ✓ **mobile outreach clinics;**
- ✓ **local capacity building** of health care providers, such as midwives;
- ✓ **increased permanent health services in remote communities;**
- ✓ **increased support for newcomers in urban contexts;** and
- ✓ **increased aftercare and follow-ups** offered by local service providers.

New Models for Mental Health and Healing

Across the country, there was a strong call for increased mental health and healing services to support victims and families in the criminal justice system, to help communities heal from the intergenerational impacts of colonialism, and to address underlying mental health concerns or trauma that increase risks of suicide, substance use, and other forms of violence. There was a particular emphasis on this theme in the Inuit Perspectives and Best Practices Dialogue, where participants noted that northern communities face greater gaps in mental health services.

Participants called for a variety of models of services to support mental health and healing, including:

- ✓ **suicide prevention and crisis support**, including 24-hour crisis lines, increased access to counsellors, crisis response teams, advocacy programs to encourage vulnerable individuals to reach out for help, and suicide prevention/intervention training for community members and public-sector workers;

“We must tackle suicide and murder-suicide. How do we learn to encourage people to ask for help? We need to find a way to defuse things before it comes to the point where people are so afraid of others that all they can think of is to die.”

(Inuit Perspectives)

“Need a mental health and suicide-prevention squad/crisis-preventions team like Emergency Medical Service (EMS), who are trained in crisis situations and will follow up with these individuals.” (Inuit Perspectives)

- ✓ **affordable long-term therapy** for individuals experiencing complex mental health concerns or healing from trauma. Participants also called for increased access to psychiatrists and psychologists;

“Twelve sessions are not enough. It opens up, [breaks] the surface, and then what happens next? It may take 12 sessions for that person to open up, to feel comfortable with that psychologist. It may re-traumatize.” (Quebec Perspectives)



- ✓ **culturally grounded healing programs** that integrate traditional healing practices and ceremonies. Participants emphasized the need for culturally specific programs for Inuit, Métis, First Nations, and Indigenous 2SLGBTQQIA communities, available in multiple languages. Examples included community healing circles, land-based programs, initiatives partnering with Elders, and space in mental health services for ceremony;
 - “Within the community, we have started healing circles... We talk about whatever is troubling your heart, loss, other troubles. [We] use the qulliq, traditional drum in [the] centre. As you come to the circle, [you] bring whatever you want. [It] doesn’t cost any money. We might provide soup or stew, and then we go into the sessions. [It is] very well attended, we try to draw out the men.” (Inuit Perspectives)
 - “People need to heal through culture, language, and heritage.” (Inuit Perspectives)
- ✓ **bereavement support services**, especially for families of missing and murdered individuals, or individuals who took their own life;
 - “One family had five members commit suicide. We need to heal, to be safe, and keep going.” (Quebec Perspectives)
- ✓ **local and external care providers**. While participants emphasized the importance of family and community as a source of support for individuals facing adversity, they also noted that in small communities, individuals may at times need to speak with mental health support staff from outside the community to minimize conflicts of interest and to increase privacy;
 - “There are many health needs and it’s different to talk to family members about this. Some don’t have Elders to talk to. Sometimes the family says, ‘Just go back to the relationship.’” (Inuit Perspectives)
 - “Maybe their cousin or chief is the abuser. You need an outsider, [but still Inuit] that you can talk to.” (Inuit Perspectives)
 - “In some cases there is a preference for someone from outside, because there is too much familiarity locally with people’s histories... In those cases, a mobile unit of Inuk support would be preferable.” (Inuit Perspectives)
- ✓ **integration of mental health services within other sectors**, including the criminal justice system, education system, substance use treatment programs, housing, and child and family welfare services; ensuring that people interacting with other systems that are not necessarily health systems can be referred or find mental health support; and
 - “Parents will also need a place to detox before going to treatment centre. They will need mental wellness support to get clean and stay committed to going to treatment. Their children may have experienced trauma during this time. Surrogate grandparents may be good support for the family and children during this transition.” (Métis Perspectives)



“Community justice [bodies] sometimes run out of ideas in terms of dealing with some young people, and [they] send them off to Iqaluit, where they end up in the justice system. Sometimes they need more access to mental health services instead of ending up in the penitentiary system.” (Inuit Perspectives)

“In Iqaluit, if people are a danger to themselves, and there is no space at the health centre, they end up in RCMP holding cells. It also happens in other communities. RCMP are being asked to address mental health issues. There is no mental health support. It doesn’t address the core of the issue that created the dangerous situation. We are telling young people that they are criminals when, really, they are seeking help for mental health. It is leading people down a path of destruction.” (Inuit Perspectives)

“We know that children are being abused. We know that they are witnessing family violence.... The education system should have wellness, safety, trauma recovery, meditation, self-help, issues that come up with abuse. [Then the children] will be more able to learn how to read and write.” (Inuit Perspectives)

- dedicated funds for healing from the impact of colonialism.** For instance, several participants called for the restoration of the Aboriginal Healing Foundation, with equitable access or dedicated funds for Inuit and Métis communities.

“It is going to take generations for us to move out of this cycle. A fund that is specifically about being community-driven. Every community decides what their needs are, instead of [someone else] putting it on them.” (Inuit Perspectives)

Participants also offered various recommendations to improve access to mental health and wellness supports, especially in northern, rural, or remote communities, including:

- 24-hour access** to some level of support in all communities;

“People who commit suicide do that because they don’t know where to go. There is nothing for 24 hours. If we could have counsellors 24 hours a day.... We have nowhere to go and no information indicating this is who you can call. And it’s urgent. It’s critical that we have a place close to the Inuit. Why is this not available?” (Inuit Perspectives)

- services in multiple formats**, such as phone lines, texting services, or online consultations;

“Some young people have a hard time articulating what they feel by speaking to you, they feel more at ease sending text messages. Whatever format is going to work for people should be made available.... Keeping communication lines open, whatever the line looks like. As soon as the teen suicide line was made available by text in Nunavut, they had 15 young people contacting them within 24 hours.” (Inuit Perspectives)



- ✓ **a dedicated space for services.** For instance, participants in the Inuit Perspectives dialogue described counselling services delivered in a hotel room, or a corporate office where clients felt uncomfortable due to the security desk and thin walls;

“There is a need for more support to have safe locations established for community members where the anonymity is available. Some days she walks for hours with her clients just to be able to provide them with a safe space to unload their pains and heal. It makes this work challenging without proper space.” (Inuit Perspectives)

- ✓ **mobile programs,** ideally including capacity- and awareness-building components to recruit, retain and to train local community members and public-sector staff; and

“Healing camp vision is to train Aboriginal counsellors, and to send a mobile unit out into other communities to train more counsellors.” (Inuit Perspectives)

- ✓ **increased permanent infrastructure for healing spaces.** Participants indicated a need for more readily available mental health and wellness supports and spaces in all communities, including sufficient aftercare or follow-up for vulnerable individuals accessing services outside the community.

“People who are Medevaced after suicide attempts are often just sent home the next day. There should be more counselling. If they charter a plane, there should be enough money to send counsellors. Provide psychologists in every village rather than responding when it’s a crisis. Police and youth protection workers are not trained to deal with crises.” (Inuit Perspectives)

“We all need to have meeting places in our community. We have RCMP and social services, but we need a place to go in every community. That would be the ideal setting. We have churches in the community, we have relatives, we have jails, but the one thing we need the most, it seems, is a healing place – for women and men. This is absolutely required now for Inuit. And we know this. Because they say we are good at hearing people, when people are talking about their pain and sadness, our fellow Inuit need a friend to speak with in confidence where it won’t be gossiped in the community.” (Inuit Perspectives)

Substance Use Treatment

Participants described how individuals engaging in substance use face greater barriers when seeking support services, including health care, due to policies from service providers that restrict access to programs (as in the case of Métis and sometimes, Inuit) and/or physical challenges while they are waiting for care when struggling with addictions.

“The crisis line won’t help if there is alcohol or drugs involved, but half the time that’s what the crisis is.” (Métis Perspectives)



However, long wait times, restrictive policies, geographical distance, or financial barriers can impede individuals from accessing substance use treatment programs when they are seeking help.

Wise practices for the delivery of substance use treatment programs included:

- ✓ **treatment programs that support whole families**, providing children with mental health supports while parents receive substance use treatment;
- ✓ **culturally grounded treatment programs**, such as land-based programs and programs engaging Elders;
- ✓ **enhanced availability of local treatment programs**, including in northern communities and within urban centres. One participant noted that treatment programs in their province were largely found in rural locations;
- ✓ **timely access to treatment programs**, in order to support individuals when they are feeling ready for care; and
- ✓ **follow-up care**, including ongoing mental health supports for individuals recovering from addictions, and engaging their families and communities to support them. Participants noted that aftercare is particularly important when individuals have travelled outside of their home communities for treatment.

“There is no aftercare to do follow-ups. People come back to the same home. No follow-up. No immediate help within the family. So, they return to their previous behaviours. [There is] no housing support. If you are living with extended family, and you return, and the people you return to are not sober, people who are homeless and undergoing treatment, need to be able to return to their own home, their own space. [There is a] need for counselling services.” (Inuit Perspectives)

Prenatal and Maternity Care

In the Métis Perspectives and Inuit Perspectives Dialogues, several groups discussed the importance of prenatal and maternity care to support close relationships between mothers and their children and improve the safety and well-being of pregnant women and new mothers. They shared traditional teachings and practices for maternity care and birthing, which offered holistic support for women’s physical, emotional, and spiritual needs, and helped prepare them for their new roles.

“Traditionally when Inuit women birthed, they would have three support people. ‘The maker,’ who would be behind her, she would speak blessings over the child, sing a traditional lullaby. Each lullaby would be specific to each individual child. There would be two women on either side of her to help offer her strength and support. The pregnant woman would stand and use gravity to help the baby. The Elders could help the baby shift if necessary.” (Inuit Perspectives)



However, gaps in maternity care in rural, remote, or northern communities, coupled with the loss of traditional birthing practices, now force many women to travel out of their community, sometimes alone, to give birth.

“The women are flown out from the community alone generally without any emotional support, or support for the family back home in the community.” (Inuit Perspectives)

Participants noted that they have seen a recent revival of traditional Indigenous approaches to prenatal and maternity care, including doulas and midwives, or home births, although funding, training, and access to midwives vary greatly across the country.

Participants called for increased support for maternity care, including:

- ✓ **funding to train Indigenous midwives**, and mentorship programs to help emerging midwives learn alongside more experienced ones;
- ✓ **increased maternity care** in rural, remote, and northern communities;
“We would like there to be centres in the communities for women to birth, so they do not have to travel.” (Inuit Perspectives)
- ✓ **priority of prenatal care**, including supporting women’s physical health and nutrition, as well as providing emotional and cultural supports and traditional teachings; and
- ✓ **facilitation of Indigenous traditions** within mainstream health care services, such as allowing mothers to keep the placenta for birthing ceremonies.

2SLGBTQQIA Health Care Services

In the 2SLGBTQQIA Perspectives Dialogue, several groups discussed particular gaps, barriers, and inequities faced by Indigenous 2SLGBTQQIA individuals – especially trans people seeking gender-affirming care – including:

- **a lack of doctors** with an understanding of, or specialty in, 2SLGBTQQIA health care needs;
- **financial barriers** for gender-affirming care;
- **ineffective substance use treatment programs** that separate patients based on sex or gender, don’t address dimensions of gender identity, and may not be “effective in providing appropriate services for 2S and trans [individuals]”;
- **difficulty accessing gender-affirming care**, if youth don’t have support from parents;
- **homophobia or transphobia** from health care providers; and
- **a lack of advocates** for 2SLGBTQQIA health and wellness.



Participants noted that these gaps and inequities are more pronounced in northern, rural, or remote Indigenous communities. They described how individuals who lack access or financial means for proper care may feel “hopeless” or resort to engaging in criminal behaviour, sex work, or black markets to access gender-affirming hormones.

“When I transitioned in 2013, I had to travel eight hours to get hormones.”
(2SLGBTQQIA Perspectives)

“Trans [individuals] have a hard time getting services, and once they get services, the doctor does not know how to help.” (2SLGBTQQIA Perspectives)

“Trying to get access to hormones – if the children don’t have supportive parents, then they won’t get access by the age 18, and by then it’s maybe too late – because they did not have access to the hormones.” (2SLGBTQQIA Perspectives)

Participants recommended an expansion of 2SLGBTQQIA-specific health services, including health centres, substance use treatment programs, and mental health services and resources.

Healing Programs for Men and Boys

Participants across the country repeatedly mentioned that programs and services should not focus solely on the well-being and empowerment of Indigenous women, girls, and 2SLGBTQQIA individuals. They described how the loss of traditional roles for men and boys, due to the impact of colonization, and the high rates of unemployment and intergenerational trauma all contribute to a low sense of self-worth among men and boys and an increased propensity toward violence and harmful behaviour.

“The men are unemployed, ashamed, don’t know how to ask for help, don’t know how to talk about emotions. Men are our throwaway people. We are so quick to throw them under the bus. But they need this just as much as the women do.” (Métis Perspectives)

Participants called for efforts to “lift up” Indigenous men and boys through initiatives such as:

- safe spaces to discuss emotions**, learn healthy coping skills for negative emotions, and learn about healthy relationships and parenting;
- programs that support allyship** against misogyny and violence against women, such as the recent Moose Hide Campaign [the Moose Hide Campaign is a grassroots movement of Indigenous and non-Indigenous men and boys who are standing up against violence toward women, wearing small squares of moose hide to symbolize their commitment];



- ✓ **mentorship programs** and male role models to promote healthy forms of masculinity;
- ✓ **networking and employment support services;** and
- ✓ **culturally grounded programs**, such as on-the-land programs, or programs to learn traditional skills such as hunting and fishing.



Leo Wells, Clarence Wolfleg Jr., and Sean Cutter sing a drum song in Calgary, Alberta.

“These programs also need male role models, teaching about how to be a good man. Where are little boys getting positive male-to-male relationships and modelling in their formative years? There is a gap.” (Métis Perspectives)

“Teaching the boys and the men how to be in respectful and loving relationships. There was a lot of violence and trauma when we grew up and it was carried down. Young men have to be retaught how to live and to be in relationships.”
(Inuit Perspectives)

Human Security Issues

The National Inquiry has incorporated a broad definition of “security” based in human security and development, understanding that Indigenous groups in Canada have been and continue to be threatened by economic, social, and political marginalization, as well as by underdevelopment in many communities. Marginalization is not an accidental or an incidental result; rather, marginalization is a product of colonialism and of colonization, as well as of the ongoing discrimination that targets Indigenous communities and individuals.

Participants across the country emphasized the need to lower rates of poverty, unemployment, and insecure housing in Indigenous communities in order to mitigate a number of associated risk factors that threaten the safety and well-being of Indigenous women, girls, and 2SLGBTQQIA



individuals. Participants advocated for equitable access to basic needs, such as shelter and food, along with increased support to attain higher levels of education and employment.

“Working on poverty, housing, and food insecurity needs to be tackled first.”
(Inuit Perspectives)

Inequities in Security

Poverty and insecure housing were identified as critical risk factors that disproportionately impact Indigenous communities in Canada. Participants listed a number of historic and systemic inequities that contribute to the prevalence of poverty and homelessness for Indigenous women, girls, and 2SLGBTQQIA people, including:

- lower education rates, adverse experiences, discrimination in education systems, and difficulty accessing post-secondary education;
- higher unemployment rates, and racial- or gender-based biases in hiring processes;
- the loss of traditional Indigenous land, skills, and livelihoods;
- higher costs of living in northern communities;
- lack of support for youth aging out of foster care;
- being forced out of the family home or home communities due to family violence or discrimination due to gender identity or sexual orientation;
- lack of affordable housing, and insufficient capacity in shelters, or lack of shelters; and
- cyclical, intergenerational impacts of low socio-economic status.

Participants described how poverty and insecure housing increase risks of:

- family violence, exacerbated by the stress of financial hardships and overcrowding;
- foster care interventions;
- engagement in criminal behaviour;
- mental health concerns, low sense of self-worth, and suicidality;
- substance use and addictions;
- sexual exploitation or being forced to engage in sex work as a means of subsistence;
- contraction of infectious diseases, such as tuberculosis, due to overcrowding; and
- food insecurity.



Additionally, participants discussed the social stigma and marginalization faced by homeless people, including increasing restrictions on the spaces where homeless people are allowed to gather and sleep in urban centres. One participant described how homeless people are often not identifiable when they pass away, making it difficult for their families to learn what happened to them. Individuals living in poverty may also have increased difficulty participating in cultural ceremonies or accessing social services, including health care. Participants in the 2SLGBTQQIA Perspectives session noted that trans people face additional financial difficulties accessing gender-affirming care. Several groups noted how financial difficulties can make it difficult for individuals to travel or access shelter in order to flee family violence, especially for those living in rural, remote, or northern communities.

“Poverty is the main factor of vulnerability.” (Quebec Perspectives)

“When parents are homeless, so are their children; this affects every part of their well-being.” (Inuit Perspectives)

“If you don’t have housing, it affects everything else: security, health, etc.” (Métis Perspectives)

“Poverty is a core part of the conversation; that’s why kids are taken away, not because the parents don’t love and care for them.” (Métis Perspectives)

“[Financial difficulty] forces trans people to crime, mostly sex work and buying illegal drugs for [gender-affirming care]. When you are on-reserve and you don’t have a home or education, you end up homeless. Then you lose more rights and respect by service providers.” (2SLGBTQQIA Perspectives)

Other factors and risks participants described as negatively impacting the safety and well-being of Indigenous women, girls, and 2SLGBTQQIA individuals include:

- social isolation or disconnection from families and communities;
- low levels of education;
- unemployment;
- sexual trafficking and exploitation; and
- involvement in gangs.



The Manitoba Basic Annual Income Experiment (Mincome)

Structural poverty has profound impacts on family and community health, and can be very difficult to escape. In recent years, governments have considered implementing test programs for a guaranteed basic income to reduce poverty in Canada. However, these studies are not new. One of the most significant long-term guaranteed income experiments was a five-year study in Manitoba, known as Mincome, which ran between 1974 and 1979.

In 1968, the Economic Council of Canada produced analysis that recommended implementation of a “Guaranteed Annual Income (GAI) program to address poverty.”ⁱⁱ Following this recommendation, the Liberal federal government under Pierre Elliott Trudeau partnered with the Manitoba New Democratic Party provincial government under Edward Schreyer to test a new strategy for combatting poverty. Officially known as the Manitoba Basic Annual Income Experiment, this project is most often associated with the city of Dauphin, where nearly one-third of Dauphin’s population became eligible for this income experiment.ⁱⁱ

The overall goal of the project was to test the viability of providing a top-up with no strings attached for workers whose income did not reach a living wage. The project developed three levels of guaranteed funding (\$3,800, \$4,600, and \$5,400), based on tax rates for a family unit of two adults and two children younger than 15, with adjustments for smaller and larger family sizes. Throughout the experiment, the federal government agreed to pay 75% of the project while Manitoba covered the remaining 25%. In addition to the top-up, another goal of the project was to evaluate the effects of such a program on the overall community.

While there was no official data collected on the impacts of the study on the communities’ determinants of health,ⁱⁱⁱ a number of former participants have noted the positive impacts on their lives and on their family’s health. When family providers fell ill, the family could rely on the guaranteed income provided by the program.^{iv} The structure of the program also gave people the ability to either stay in school or go back to school to gain new professional skills that could be translated into better economic prospects.^v

One of the experiment’s hypotheses to test was if a guaranteed income would make people unmotivated to work. This was not the case; people could and did continue to work, with their top-up adjusted in a way that did not penalize working families for earning additional income. What the experiment did do was provide families with “financial predictability and a sense of stability,”^{vi} helping to lift many people out of poverty.

Despite these successes, Mincome was cancelled with the election of new federal and provincial governments in the late 1970s.



The Ontario government decided to recreate this experiment as a three-year pilot project in 2017 under Kathleen Wynne. However, the pilot project was cancelled after a change in government, despite the urging of anti-poverty activists and business leaders alike.^{vii}

The World Health Organization has declared that poverty is the single biggest social determinant of health – meaning that if you live in poverty, your

health will almost certainly suffer.^{viii} As Candice S. told the National Inquiry, “Poverty has an impact – it impacts everything. Your mental health, your spiritual health, your physical health, your access to services.... It’s really, really sad.”^{ix} Meaningfully changing the structures that maintain poverty in Canada has to be at the top of the priority list if Canada is serious about upholding Indigenous Peoples’ rights to health.

- I Simpson, Mason, and Godwin, “The Manitoba Basic Annual Income Experiment,” 86.
- II Lum, “A Canadian City.”
- III Mason, “Revisiting Manitoba’s Basic Income Experiment.”
- IV Lum, “A Canadian City.”
- V Ibid.
- VI Ibid.
- VII Monsebraaten, “100 Canadian CEOs.”
- VIII World Health Organization, “Poverty and Social Determinants.”
- IX Candice S. (Skatin Nation), Part 1, Public Volume 106, Vancouver, BC, p. 11.



Access to Housing or Shelter

Several participants echoed the notion that access to shelter is a basic human right, and that a lack of safe and affordable housing or shelter increases risks of violence and harm, presents a barrier to fleeing unsafe situations, or forces individuals in rural, remote, or northern communities to migrate to urban centres.

“What is it that will keep you safe? Housing – a place to go back to at night.”
(2SLGBTQQIA Perspectives)

“The base [should be] that everyone have a roof over their heads. [Priority] number two is food. You can put more effort into your challenges, once you have a roof and food.”
(Inuit Perspectives)

Barriers to accessing housing and shelter include:

- **insufficient capacity in shelters**, including warming shelters and emergency shelters for individuals fleeing violence, as well as **lack of shelters**;
- **shortage of subsidized housing**, creating long wait-lists;
- **deferred maintenance challenges** that limit available housing or shelter space, adding financial burdens to shelter and housing organizations. This creates poor living conditions, which negatively impact the sense of self-worth of individuals in need of shelter and housing;

“It’s very expensive to build houses, and utilities need to be upgraded. It’s very hard to catch up. Maintenance services are also a big issue, especially for infrastructure. Small communities have a hard time getting things done to maintain housing.”
(Inuit Perspectives)

“[The] homeless shelter has been shut down, because of bedbug infestation. Takes a long time to get someone to clean it. It’s run by an NGO [non-governmental organization], which can’t afford to bring it up to code.” (Inuit Perspectives)

“Non-profit housing is built in sub-par standards, making it seem like [clients] are not appreciated, [because] they are living in ... subsidized housing.” (2SLGBTQQIA Perspectives)

- **risks of discrimination in shelters**, including racism, homophobia, and transphobia;
- **lack of transitional housing** for individuals returning to communities from correctional facilities or from substance use treatment programs, or aging out of care. Participants noted that individuals at these transition points are particularly vulnerable to violence or harm, and that the lack of shelter funding from justice, health, or child welfare sectors increases the burden on shelter spaces;



“Judges are releasing men to the ‘care’ of a shelter, but there is not [enough] funding to house these men through the justice system, and they expect the shelter to absorb or find space for them.... [There are] men sleeping on [the] floor and in [the] kitchen.” (Inuit Perspectives)

- **strict policies against substance use in shelters**, which create barriers for individuals struggling with addictions. One participant from Inuvik described her experience on the board for a men’s shelter where other members lacked an understanding of addictions, espousing the belief that “if [someone] wants the shelter enough, they will stay sober.” She said there was little support for “wet” shelters that allow substance use due to complications of insurance and risk management. Another participant described how substance use policies “further marginalize the already marginalized”;

“It sends the message that you’re not welcome here, because you use drugs and alcohol. Some women were murdered because they used drugs. They will use drugs to stay awake and stay safe. This stigma around drug use and alcoholism makes people feel unwelcome, unsafe, and puts them on the street and at risk.”
(2SLGBTQQA Perspectives)

“The rules [for substance use] for [2SLGBTQQA] clients in facilities cannot be so stringent. These people are at the facilities in crisis.” (2SLGBTQQA Perspectives)

“Men in the system are in crisis. [It is] unrealistic to expect them to avail themselves of services. These men are not choosing to use. One should not have to choose using or housing.” (Inuit Perspectives)

- **gender-based shelters and prioritization of women with children in housing**. This supports the safety of women and girls, but also creates complications and barriers for families, men, and 2SLGBTQQA individuals. For instance, some participants described how policies against teenage boys in shelter spaces force women to have to choose whether to leave their sons behind when seeking emergency shelter spaces. Other women may feel safer staying with their partners on the streets instead of seeking shelter space. The prioritization of women with children limits available shelter and housing space for 2SLGBTQQA individuals (particularly those without children) and for men, who have to leave their home during situations of family violence;

“I wouldn’t have been able to take my son with me to the shelter if I had needed to do it. Daughter, yes. That’s what mothers have to think about.” (Inuit Perspectives)

“Often women on the street want to stay with their boyfriend for security reasons.”
(Inuit Perspectives)

“A lot of 2S don’t have housing because there are requirements to have children ... and a lot of 2S folks don’t have children. That doesn’t make sense. They’re not included in the list.” (2SLGBTQQA Perspectives)



“There is no transitional housing for the abuser, for these mainly men, to go, to live.” (Inuit Perspectives)

- **financial barriers to public housing** for individuals who are marginally above the low-income threshold, or are receiving limited income support; and
- **inequitable access to housing**, where individuals with connections to influential people may receive preferential treatment.

Recommendations and Best Practices: Addressing the Crisis of Housing and Shelter

There was a strong call for increased and well-maintained shelters and subsidized housing in all communities, with sufficient capacity to meet current and projected demands. While many participants discussed the need for priority shelter spaces for women fleeing violence, groups also recommended establishing a variety of housing and shelter alternatives in communities, in order to meet the needs of different populations, including:

- mixed-gender shelter and housing**, accommodating couples and families with teenage boys;
- wet shelters** accommodating individuals struggling with substance use;
- dedicated 2SLGBTQQIA housing and shelters**, or dedicated beds in shelters for trans and non-gender binary individuals; and
 - “Establish 2S treatment centres and shelters with practitioners who are 2S themselves or [who] ‘get’ it.” (2SLGBTQQIA Perspectives)
- transitional housing with relevant support services** for individuals fleeing family violence, youth aging out of care, or individuals returning to communities from correctional institutions or substance use treatment programs.

Participants spoke of housing and shelter as a critical first step that establishes the security, stability, and trusting relationships needed to address more complex risk factors. Many described housing and shelter models that integrate support services, such as substance use treatment programs, employment services, cultural supports, and mental health services.

“First, you house the person. You give them a place to live and be safe. Then you start focusing on the other issues that lead to homelessness and addictions.”
(Inuit Perspectives)

“We need a place that’s not like a conventional shelter, but a living space; not necessarily a permanent space, but you need space where you have access to a phone, Internet, a



place to study, a place to get training... You need these things to get a job. We need supports for employment. I wouldn't see it like a shelter, where there are bunk beds. We need dignity and privacy. Maybe you moved from the reserve to the city, and you don't have your supports there. Transitional housing that helps you and mentors ... you could hire 2S people to do that." (2SLGBTQQA Perspectives)

Some participants described the importance of providing long-term housing options for individuals and families, with recommendations to increase transitions from shelter spaces to subsidized housing.

"Shelters [are] such a dehumanizing experience... The place you belong [to] is constantly stripped away. There's never any place you belong." (Inuit Perspectives)

"[The] assumption was that sending men out in the cold, even in extreme cold weather, would motivate them. These men were being turned out in the morning. At 7:00 or 8:00 a.m. these Inuit men are being turned out into the cold, with harmful impacts, [including] on their self-esteem." (Inuit Perspectives)

"Not just shelters and safe houses, but stable, reliable housing, where they can live long-term. It's not temporary, it's permanent. So, if they have children, they can go to school. Stable home.... They don't have that grounding space, to shut the door and go to bed, and then get ready for the day to go to work or school." (Inuit Perspectives)

As with other support services, participants emphasized the importance of providing culturally specific support services in shelters and housing, adapted to the identities of local clientele: for instance, including Inuit- and/or Métis-specific support services in urban shelters, and housing for those arriving from rural, remote, or northern communities.

"For people who are not in their home communities, which are very far away, it gets really hard when they can't find a stable and safe place to rest their head. There needs to be more subsidized housing for women and families.... First Nations-specific, Métis-specific, Inuit-specific; even though we are all Indigenous, we need specific services. When you are in a vulnerable place, it is most comfortable to be with your community." (Inuit Perspectives)



Education and Employment

Alongside basic needs assistance, participants called for increased investment in education and employment services in order to obtain, as one participant described, “high quality education and meaningful work for all” (Inuit Perspectives). These investments included:

- advocacy about the importance of education**, and celebration of the achievements of Indigenous students excelling in school;
- strengthened communication between schools and parents** to promote schools as a safe place, especially for families impacted by the legacy of residential schools or other adverse school experiences;

“Investing in children, in the education system. Parents had trouble walking into those schools, because of their trauma. We need to make schools a safe place, a healthy place for families, with food, where everybody can have meals together.”
(Inuit Perspectives)
- financial support** for Indigenous post-secondary students and youth aging out of care;
- increased mental health services and culturally specific supports** for students, especially in post-secondary institutions;
- increased access to post-secondary education in rural, remote, or northern communities**: for instance, through the expansion of online learning opportunities and development of needed digital infrastructure;

“You should be able to learn in a different way, not having to leave community and go thousands of miles away to do advanced learning. We need access to the Web faster than circa 1999, in order to be successful in an online education. A rights-based approach to access to the Internet.” (Inuit Perspectives)
- the teaching to youth of traditional Indigenous skills**, such as hunting, fishing, arts, or language skills, and developing careers in the revival of Indigenous traditions;

“[I] saw one 12- or 13-year-old boy who was very skilled culturally [such as in] trapping, language, etc. but would shrink in school, because he struggled with maths, etc. [We should be] building Knowledge Keepers. Some kids are naturally Knowledge Keepers, but they struggle in school. Those are the mentoring roles we have as adults. Can you identify people in your community who are like that? How do you recognize, lift them? What can you do with them, to help young women and girls stay safe?”
(Inuit Perspectives)
- promotion of careers in the trades**;
- employment services**; and
- recognition for experiential equivalencies** for jobs and education.



Practices to Enhance Security for 2SLGBTQQIA People

Although the National Inquiry, through the Truth-Gathering Process, has adopted the inclusive acronym of 2SLGBTQQIA, it acknowledges the diversity of experiences within this spectrum. The Dialogue held in Toronto was a rich opportunity that many people identified as the first time in their lives they had been in a room with so many 2S and Indigenous LGBTQQIA people, and how feeling that they were not alone was a healing experience. As a result, many suggested that it would be important to support a networking of Indigenous 2SLGBTQQIA people across the country, because of the strength generated in working together and in getting together. At the same time, some participants pointed out that the distribution of participants left some groups, such as transwomen, feeling largely underrepresented, and shared how the needs of different groups whose identities are included in this acronym might not be the same, particularly in the areas of security and of justice.

In highlighting common experiences, however, participants in the 2SLGBTQQIA Perspectives Dialogue session particularly emphasized the need to address administrative procedures, protocols, and program designs in social services to ensure the safety, dignity, and accessibility of 2SLGBTQQIA individuals, especially trans-identified individuals and individuals with non-binary gender identities. Recommendations included:

- ☑ **gender-inclusive options** in application or intake forms, Status cards, and data collection;
- ☑ **accommodation of non-binary gender identities in program and service design** by eliminating gender-based grouping of programs and services, allowing individuals to join gender-based programs and services based on their gender identity, and/or offering dedicated trans, non-binary, or gender-neutral programs and services. Participants emphasized the need for greater gender-inclusivity in both social and cultural spaces, as well as in key support services and institutions such as housing and shelters, substance use treatment programs, and correctional institutions; and
- ☑ **availability of gender-neutral washrooms and change rooms in facilities.**

Strengthening Community Ties

Alongside culture and family, participants stressed the importance of strong community networks, role models, and community spaces to support the well-being of Indigenous women, girls, and 2SLGBTQQIA individuals. They described how people facing discrimination and marginalization – such as 2SLGBTQQIA individuals, sex workers, ex-offenders, or individuals lacking secure housing – tend to form their own communities of support. These communities of support are extremely valuable for their well-being and security in the face of adversity.

“When Métis women are suffering, we do what we’ve always done. We get together and support each other doing Métis practices ... Métis beading, trade show/craft fair, traditional performers and ... dry dance.... It’s not enough to give people housing, they



need to have their community surrounding them. Often you don't know who your neighbour is.” (Métis Perspectives)

Participants offered a number of recommendations to strengthen community ties, including:

- ✓ **low-barrier “safe spaces,”** where individuals can gather, engage in social activities and Indigenous traditions and ceremonies, and/or have access to support services;

“Women’s centres in each community are essential ... a place where women find themselves, it’s a place that is very warm. They can sit and just talk. It must be a place where different women come (women, grandmothers) and must also provide places for children.... It’s a place of sharing. It is a place where you can also spread knowledge. It is a ... place where I feel good.” (Quebec Perspectives)

- ✓ **recreational centres** offering extracurricular activities to promote healthy lifestyles, decrease isolation, and deter youth from engaging in gangs, substance use, or criminal behaviour;

- ✓ **peer support networks,** and encouraging a culture of mutual support; and

“The big question we heard was: Who would advocate for me? If I were murdered, if I were missing, or if my children were taken away? ... There’s a need to raise an angel network of all Métis people who look out for one another. That’s what love is, that’s what the circle represents. So that when you go anywhere, someone will take you in.” (Métis Perspectives)

“We need to get back to volunteerism – when people get money to cook for [a] community feast, they just cook the food, drop it off, and leave. When a community volunteer’s cooking, they cook the food and bring it to feast and stay for festivities.” (Inuit Perspectives)

- ✓ **mentorship programs** for youth.



A young jingle dress dancer and cousin of Nicole Ashley Daniels, an MMIW family member, chats with Commissioner Michèle Audette in Winnipeg, Manitoba. Used with permission.



Justice

In discussing their encounters with various elements of the justice system, participants across all four Dialogues noted the frustration they felt in trying to navigate systems they didn't see as fair, representative, or their own. In many cases, participants discussed how justice might be redefined in Indigenous terms, and in terms of how people kept each other safe, cared for one another, and ensured that the laws and rights were upheld and related responsibilities were followed. These principles are still important today. While the context of justice might have changed from what one participant called the “old old way,” understanding how these concepts might be articulated to transform the encounters that people have today was a key feature of our discussions.

Inequities in Policing, Justice, and Corrections

Participants discussed a number of issues related to inequities in the justice system, including:

- **delays in court proceedings due to insufficient capacity.** Participants noted that delays can prolong the healing process for victims and families and create barriers for victims living in remote communities who lack the resources to relocate for prolonged periods of time to seek justice;

“If she is a fragile woman, in family law and domestic violence, a woman at risk cannot wait so long. Someone who is in a remote area and has to go to court, it's not as accessible.” (Quebec Perspectives)
- **discrimination and inequities in the criminal justice system.** Several participants argued that the justice system overcriminalizes Indigenous Peoples, while offering overly lenient sentences in cases of violence against women, girls, and 2SLGBTQQIA people. Some participants questioned the impact of Gladue rights on the safety and justice of Indigenous women, girls, and 2SLGBTQQIA individuals;
- **the discrediting of victim statements** based on race or mental health, or from victims who were seen to be engaging in “high risk” behaviours at the time of the crime, such as sex workers, or victims who were inebriated or were engaging in substance use;

“Often it is just you going to make a statement and it's all men. Sometimes your story is overlooked/diminished by your looks, your mannerisms, your skin colour.” (Métis Perspectives)
- **limited access** to court services and victim support services in northern communities; and
- **racial discrimination or mistreatment** from guards in correctional institutions.



Of particular note regarding 2SLGBTQQIA individuals who are incarcerated, trans people who have not undergone gender-affirming surgery are often placed in a binary system, according to biological sex. They can face violence, discrimination, and segregation from staff and other individuals within the institution.

“There is a case of an [incarcerated] transwoman, who was mistreated, and who made a formal complaint of human rights abuses. The officers did not want to give her back her [female] clothes. They gave her paper clothes. What she needs is someone to support her.” (2SLGBTQQIA Perspectives)

Participants also identified a number of gaps and inequities that obstruct fair and timely access to security and law enforcement for Indigenous women, girls, and 2SLGBTQQIA individuals. These included:

- **police discrimination.** The majority of Dialogue groups shared experiences of discrimination and mistreatment from law enforcement officers based on race, gender and gender identity. Several participants described instances of racial profiling of Indigenous suspects, paralleled with delayed, or a lack of, responses to reports from Indigenous victims. Other participants spoke of instances of harassment, sexual abuse, transphobia, homophobia, and a lack of accountability for reports of discrimination or abuse of power. Participants noted that the prevalence of contemporary police discrimination, compounded with the historical role of police in the enforcement of colonial policies (such as the killing of Inuit sled dogs, or the forcible removal of children for residential school) has led to an erosion of trust in law enforcement institutions, which deters individuals from seeking help. In addition, the ongoing mistrust, due to negative experiences with law enforcement, continues to foster an environment in which many participants noted, people feel unsafe even asking the police for help;

“Police are very transphobic. When people say their name and it doesn’t ‘match’ their ID, they can be arrested.” (2SLGBTQQIA Perspectives)

“You’re less likely to turn to the police if you’ve been abused, even more less likely if you have been abused by the police.” (Quebec Perspectives)

“First question from police dispatch: ‘Is she Indigenous?’ After telling them over and over again that we needed an ambulance, they still sent the police first. Then they kept calling and calling, and there was no ambulance for another hour and a half.” (Quebec Perspectives)

“When a crime happens, they aren’t thorough with investigations. They just assume it is domestic violence from the men in our community. It feels like our women are worth less than others.” (Métis Perspectives)



- **gaps in policing in remote communities.** Participants noted that many small, rural, and remote communities lack local police officers or direct contact with local police detachments. Emergency calls are transferred to regional dispatching offices, delaying response times and discouraging community members from seeking help;

“So many people don’t report because they have to call down to Regina [from a rural area], answer 100 questions, and get solutions three days later.”

(Métis Perspectives)

“When we call RCMP in Inuvik, our call gets transferred to Yellowknife, then they phone the local detachment. It takes a long time to get them to come to a place. It takes too long to respond. It gives time for the perpetrators to get away.”

(Inuit Perspectives)

“[It takes] three hours or so to get a cop sometimes in rural communities.... The police that service one community are the same police that service the other ones – they don’t have their own. They try to patrol once a day or so, but it can’t always happen. Sometimes [it takes an] hour, hour and a half more to get a cop.”

(Quebec Perspectives)

- **jurisdictional barriers**, which obstruct communications and coordination of investigations, even between neighbouring jurisdictions. Participants called for a nationally integrated system for investigations, especially for cases of missing Indigenous women, girls, and 2SLGBTQQIA individuals; and

“When a young girl went missing the police wouldn’t go there because it wasn’t in their jurisdiction even though it [was] close by.” (Quebec Perspectives)

“The problem of communication between police services to track young adults: the reporting processes are complicated. Find an integrated system so that disappearances are reported more quickly and efficiently. An amber alert for adults.” (Quebec Perspectives)

- **high turnover** of law enforcement officers, particularly in northern communities, which detracts from their ability to establish trusting relationships with community members, or develop deeper cultural awareness of the local context.

“The high turnover of police officers is also an issue. There is no orientation, no preparation. Oftentimes they are just out of police training, they know they can’t get a job down south right away so they are just here to get an experience.... In Iqaluit, some officers want to stay longer than two or three years, but are told no.”

(Inuit Perspectives)

In addition to these issues, participants also described the risks of re-traumatization when victims must repeatedly give statements, and especially when statement-taking procedures become akin



to “interrogations” or when victims are alone giving statements. Participants noted that insufficient victim support services can negatively impact the reliability of victim statements, and therefore threaten the victims’ ability to receive justice in courts.

“The process is confusing, you don’t get things explained to you, you don’t automatically have a lawyer. It sends a message to aggressors of who is the easy victim.” (Quebec Perspectives)

“Victim services isn’t always safe for women, [who are] sometimes more traumatized by the services provided. They have to relive the incident, and do not feel like they are being helped. [They are] interrogated and made to feel like a criminal, rather than a victim.” (Métis Perspectives)

Recommendations and Best Practices: Justice

Improving Law Enforcement Practices

Participants proposed measures and initiatives to reduce discrimination, improve crisis response, and help rebuild trusting, collaborative relationships between law enforcement and community members. Recommendations included the following:

“It’s a sense of trust that also needs to be developed. Without trust, people do not even want to go to police premises. You have to trust someone who can support them. These are small steps, and it will take time.” (Quebec Perspectives)

- ☑ **physical descriptors instead of racial descriptors** in law enforcement procedures and media reports, in order to discourage racial stereotyping, profiling, and discrimination in security and justice systems as well as the broader society;

“[The police force] didn’t realize that they were being racist by asking on dispatch whether someone was of Aboriginal descent. By ... removing that from protocol, we’re changing things.” (Métis Perspectives)

- ☑ **protocols for early intervention** in crisis situations or cases of family violence, as well as more immediate responses to reports of missing Indigenous women, girls, and 2SLGBTQQIA individuals;

“These are situations that don’t need to escalate, if they are addressed when attention is required. I know the RCMP do very beautiful work, but in emergencies there’s not enough response. If we give them information, we can avoid murders and killings. Incidents of murders and rage escalate, and we can avoid it if we get prompt attention.” (Inuit Perspectives)

“They need to realize everyone knows everyone in our villages and communities. Sometimes they don’t understand how urgent our calls are. We know our people and know when it is urgent.” (Inuit Perspectives)



“It requires a change of approach and steps. You have to initiate a reaction the very moment the call is triggered.” (Quebec Perspectives)

- ☑ **extended length of law enforcement placements**, especially in remote or northern communities. For instance, some participants recommended minimum five-year contracts, and incentives to remain in the community long-term;

- ☑ **engagement with community members** in community events, or through the establishment of liaison officers in schools and social services to build trusting relationships, especially with youth or marginalized community members; and

“[The] RCMP planned a round dance for First Nations and Métis people in the Saskatoon Police Service gym. Some people (like my niece) were nervous about going because of the negative experiences they had had in that building. It turned out to be a huge success. Biggest round dance Saskatoon has seen.”
(Métis Perspectives)

“We have a police officer who does the liaison at our centre, and he came once a week to build relationships. Today he has too much to do because he is called all the time – it is really an important support and the users of our services have confidence now. It’s really a plus to have this connection. It really facilitates the exchanges. When he arrived, the women started to open up. But it’s because of the person, too. It takes the ability to meet the system.” (Quebec Perspectives)

- ☑ **increased training and community orientations** for law enforcement officers.

Focus on Crime Prevention through Community-Based Models

Participants additionally recommended preventative measures to safeguard women, girls, and 2SLGBTQIA people against common risks, and empower them to increase their own safety. These included:

- ☑ **expand and legitimize community-based security models**, such as local peacekeeper officers, or the Bear Clan Patrol program based in Winnipeg. Participants described how community-based security patrols can often offer a more timely response, particularly in northern, rural, or remote communities, and may be more effective at de-escalating situations due to their deeper knowledge of local contexts and cultures. Community-based security programs can increase the overall sense of safety in communities and provide preventative measures, such as providing resources, developing relationships, educating community members on their rights, and providing outreach;

“Many communities have peacekeepers, who are busier than the police force, because people trust them and go to them when things happen.” (Métis Perspectives)



- ✓ **provide secure transportation options.** Women, girls, and 2SLGBTQQIA individuals living in remote communities face increased risks due to a lack of secure transportation options both within and beyond their communities. Gaps in transportation can make it difficult to flee unsafe circumstances such as domestic violence, or individuals may resort to unsafe means of travel such as hitchhiking. Participants highlighted successful initiatives such as “safe rides” programs, or monitoring “high recruitment areas” such as bus stops to ensure that vulnerable individuals have a safe means for transportation;
“Last year, the government cut off transportation services, so I see a lot of women on the highway every day. Lack of transportation services is a huge issue. It puts a lot of women at risk every day.” (Métis Perspectives)
- ✓ **identify and provide early warning of risks,** such as legislative measures that allow for the disclosure of a person’s criminal history to their partners,⁹ or identifying spaces and services that are unsafe for 2SLGBTQQIA individuals;
- ✓ **provide public education** on non-violent conflict intervention, safety, self-defense skills, consent, Internet safety, sexual exploitation prevention, and on rights. Participants noted that raising awareness of risks and safety measures is particularly important for Indigenous youth moving to urban centres who may be less aware of safety risks in an urban context; and
- ✓ **leverage technology for safety.** For instance, participants discussed the use of social media or mobile phone applications as an accessible “check-in system” for vulnerable women, girls, and 2SLGBTQQIA individuals.



This sign, on British Columbia’s infamous Highway of Tears, warns young women not to hitchhike. The Highway of Tears refers to an over 700 kilometre stretch of the Yellowhead Highway in British Columbia where many Indigenous women have disappeared or been found murdered.



Navigating the System: Improving Victim Support Services

Participants offered recommendations to help victims/survivors and families navigate the legal system and support their healing and well-being throughout the process of seeking justice, including:

- ✓ **Indigenous legal advocates** to help orient survivors and families within the legal system and to accompany survivors when giving statements. Participants in the Quebec Perspectives Dialogue proposed that the Centres d'Aide aux Victimes d'Actes Criminels (or CAVAC)¹⁰ establish dedicated Indigenous centres to provide culturally appropriate supports;
- ✓ **information kits for survivors and families** with resources, service directories, and orientation to the legal system;
- ✓ **support for Elders or family members to accompany survivors** when giving statements;
“Being in a room with men can be intimidating. We’re not supported by Elders or cousins or family.... If the woman is properly supported, she could [provide] better testimony. The victims need to be solid, so there aren’t any slips in people’s minds, because it can cause damage. I see victims who were well supported versus ones that are not supported. I see the damage this causes.” (Quebec Perspectives)
- ✓ **increased cultural and spiritual supports** for survivors, including during court proceedings;
- ✓ **interpreters** for Indigenous language-speakers as well as to help survivors and families understand legal terminology;
- ✓ **community-based spaces for access to justice**, including access to legal counsel and spaces where survivors may feel more comfortable reporting a crime if they feel unsafe in the security and justice system;
“Every Indigenous friendship centre should have a centre for access to justice, too. Many people do not feel comfortable asking for help, so you need a service that is confidential and accessible on-site.” (Quebec Perspectives)
- ✓ **increased victim support services in remote communities**. One participant suggested the use of video conferencing to provide more advance legal counsel for survivors seeking justice through travelling courts;
- ✓ **increased support services, especially for survivors of family violence**, including safe houses, financial aid, transportation to flee unsafe circumstances, and legal advice for the enforcement of emergency protective orders; and
“Restraining orders need to be explained to people: what they are for, how to use them. People don’t know how to enforce their rights. They think the paper means nothing, and the aggressor lives in my community. That paper should have been



explained to those women: How does it work? What does a breach look like? What are the nuances of living in the same community or shopping in the same stores?”
(Quebec Perspectives)

aftercare to support survivors and families in the healing process.

“The survivors are all alone in their grief, even if they are all together.”
(Inuit Perspectives)

Restorative Justice and Indigenous Laws

Across all four sessions, there was strong support for restorative justice programs, particularly models grounded in traditional Indigenous approaches to law and justice. Participants argued that culturally grounded restorative justice programs can be more effective in fostering a sense of accountability in offenders, addressing root causes of violence to reduce recidivism, and supporting healing for survivors, offenders, and their surrounding families and community.

“He won’t feel any shame in front of the judge/jury. But in front of the community, there is more accountability. A youth hearing their impact on people because of their vandalism is more impactful than going to court.” (2SLGBTQQIA Perspectives)

Nonetheless, some participants suggested that survivors of violence should be entitled to choose between different approaches to justice proceedings, informed by the specific context and the survivors’ needs.

“Restorative justice was good for some [youth], but not for all situations. A young woman was raped, but the family of the boy who did it, [wanted restorative justice] instead of jail time. But the young woman ended up being re-victimized. The girl didn’t have a lot of family support, but the boy had a big family and even the Elders who were there were related to him.... Victims should have a choice in what justice options they want. Jail time, criminalization isn’t what everyone wants.”
(2SLGBTQQIA Perspectives)

“[I am] hesitant to say they are always the best solution, because they work different in different communities, with different levels of success.” (Métis Perspectives)

Participants in the 2SLGBTQQIA Perspectives session called for increased funding and training for 2SLGBTQQIA-specific restorative justice programs. Such programs need to be inclusive and safe, reflecting diverse understandings of gender, and equipped to address 2SLGBTQQIA perspectives.



Understanding the Complicated Nature of “Traditional Governance”

The Haudenosaunee (Iroquois) Confederacy is one of the best-known examples of Indigenous forms of traditional governance. It is made up of six distinct Nations who agree to live under a single governance system, encoded in the 117 articles of the Great Law of Peace. The Great Law includes many aspects of Haudenosaunee life, including rights and remedies in the case of criminal acts and other traditional forms of ensuring justice. The traditional Haudenosaunee Confederacy Council still operates today, despite the fact that the Dominion of Canada, as enforced by the RCMP, imposed an *Indian Act* chief-and-council system on the Haudenosaunee in 1924.ⁱ This is a testament to the resilience of the Haudenosaunee.

However, as we heard from some women in the Truth-Gathering Process and through other means, there are ways in which “traditional governments” or the traditional forms of justice they use have been warped by sexism, racism, and colonization, and are now failing Indigenous women and girls.

These struggles aren’t unique to the Haudenosaunee. Instead, as Mohawk professor and cultural anthropologist Dawn Martin-Hill writes, “the global reality of colonialism leaves Indigenous communities shattered, fragmented and traumatized, and creates space for the growth of a desperate and perverted radicalism.”ⁱⁱ

The Six Nations of the Haudenosaunee Confederacy (“People of the Longhouse”), also known as the “League of Nations,” are Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora. The confederacy was born during a time of violent conflict between the Nations, until the Creator sent the Peacemaker, also known as Deganawida, to teach people the laws they needed to live in peace. After the Peacemaker’s people originally rejected his message, he enlisted the help of Jikonsahseh, a powerful woman and ally who became known as the first “Mother of Nations.” Later, with the help of Aionwatha (Hiawatha) and after

many trials, they persuaded the chiefs to end the feuds between them and together abided by the Great Law of Peace.ⁱⁱⁱ

The Great Law of Peace, or *Kaianerekowa*, lays out the Haudenosaunee rules of governance based on the three principles of righteousness (justice between people and Nations), health (soundness of mind and body, and the peace that comes from that), and power (the authority of the law). It defines the structure of the Haudenosaunee Council, different Clans’ roles and responsibilities within it, as well as laws regarding adoption, legal redress for murder and theft, and international relations. The needs of future generations, the “faces yet to come,” are an important consideration in any deliberation, and decisions affecting the entire confederacy are made on a consensus model through the Grand Council, while Clan councils and Nations are given the authority to handle their own affairs.^{iv} As professor of law at the University of Victoria Faculty of Law and Canada Research Chair in Indigenous Law John Borrows writes in *Canada’s Indigenous Constitution*, “The *Kaianerekowa* is a complex and significant legal code and stands as a testament to the power of human creativity and accomplishment.”^v



Within this system, Haudenosaunee women have had great political autonomy through the General Council of the Women, as well as through their roles as Clan Mothers, who choose chiefs and keep them accountable. Also, in the consensus-based decision-making model of the Haudenosaunee, every person has a voice and a veto. According to the Great Law, Haudenosaunee women are the explicit owners of the longhouse and the land, and have equal property rights as men. Major decisions could not be made without the consent of women.^{vi}

Haudenosaunee traditional territory encompassed southern Ontario, southern Quebec, New York, and Wisconsin.^{vii} By the late 1800s, the stark difference between the many rights of Haudenosaunee women as compared with settler women inspired early suffragettes, including Elizabeth Stanton, Matilda Joslyn Gage, and Lucretia Mott, to see that other systems of society were possible. These feminists frequently wrote about the freedoms enjoyed by Six Nations women in local newspapers and in their professional writing as they fought for the basic right to vote.^{viii} Matilda Joslyn Gage was so impressed that, in her book *Woman, Church & State – The Original Exposé of Male Collaboration Against the Female Sex*, published in 1893, she wrote: “Under their women, the science of government reached the highest form known to the world.”^{ix}

The confederacy has always maintained its sovereignty, despite several hundred years of colonization. However, as cultural anthropologist Dawn Martin-Hill writes, Haudenosaunee laws, like in all Indigenous Nations, have been affected by “missionizing, residential schools and assimilation policies”^x that diminished women’s authority. While traditional governments had strong checks and balances to its power built in, the legacies of colonization have taken those away. As she puts it, “We are healing, but it is a path fraught with the debris of colonial domination.”^{xi}

The issue of “banishment” is one such area where traditional governments may not be delivering justice for Indigenous women and girls.

Historically, banishment was one of several forms of punishment for severe crimes used by the

Haudenosaunee and other Indigenous Nations.^{xii} As Michael Cousins explains in his 2004 master’s thesis, banishment was used in rare circumstances where the offender posed a significant risk to others’ safety and did not show remorse. Banishment also allowed the offender time for “intense personal reflection that often led to a spiritual awakening.”^{xiii} In almost all the cases, banishment was meant to be temporary. As he explains, “Banishment rarely occurred for life, and the individual often returned home after a prescribed period of exile and would be allowed to remain if they had fully embraced the principles of peace and unity.”^{xiv}

Today, banishment has been revived as a form of traditional justice in Six Nations and other First Nations.^{xv} People may be stripped of their membership or band enrolment, forced off the reserve, and have their land reverted to the band council. However, there are disputes about how it is being used today.

Some community members we heard felt that their traditional governments were being co-opted, and only “selectively” banishing some people, while not others. This has been particularly painful for family members of missing and murdered loved ones or survivors of sexual violence who live in the same small community as the offender. Some of the women we heard from have sought to have these offenders removed from the community but were shut down, with few avenues to challenge the decision.

In her article “She No Speaks,” Dawn Martin-Hill discusses the example of one Six Nations mother, whose daughter was sexually assaulted in front of witnesses. When she tried to go to the police, Six Nations Peacekeepers insisted instead that they would “deal with it” by taking him into a sweat lodge and teaching him how to respect women—despite the mother’s objections that this was not the appropriate punishment. As Martin-Hill says:

The mother decided to investigate our traditions that deal with sexual assault according to the Great Law, and she sought out a Clan mother who would have some authority on the matter. The Clan mother explained to her that traditionally a violator of women would have suffered severe consequences for his crime. This punishment would have been carried out by the



women of the community. Afterwards, the mother shared with me and others her feelings of being terrorized, intimidated and scorned by the Peacekeepers. She was experiencing first-hand how “tradition” is used to subordinate women and to silence women.^{xvi}

In Kahnawà:ke, a Mohawk community in Quebec, violence under the guise of “tradition” has manifested through the “marry out, get out” law, as it is known. This local law, passed in the early 1980s, stipulates that any Mohawk member living in Kahnawà:ke with a non-Indigenous spouse must leave the reserve. While this law is meant to help preserve Mohawk land and culture, this has caused anguish for many Mohawk women who are denied their right to live close to the family and culture they love, while regulating who they are allowed to marry and with whom they are allowed to have children. For those who have been forced out, the law contributes to their own and their children’s loss of language and culture. While the Quebec courts have struck down this law as unconstitutional, this remains a deeply contentious issue in the community.^{xvii}

These and other circumstances show that we cannot deny Indigenous women justice in the name of “tradition.” However, Indigenous forms of justice, law, and governance are essential to the work of decolonizing, and the Haudenosaunee Confederacy is built on principles of peace and justice that do protect its people. In an editorial criticizing the use of banishment for those people fighting addictions, Six Nations member Jonathan Garlow reminds us that many challenges across Canada are the same; what is uniquely given to each community is the gift of their teachings, which allows them to cope with the challenges they face.^{xviii}

Indigenous communities should not be afraid to call out the ways in which “tradition” hurts Indigenous women, while at the same time they revitalize the principles underpinning their own justice systems. As Dawn Martin-Hill emphasizes, “Although the cultural revitalization movement is critical to our cultural survival and to teaching our young people traditional ways, we must ensure that we are teaching and passing on traditions that are *true to us*.”^{xix}

- I Cousins, “The Inherent Right.”
- II Martin-Hill, “She No Speaks,” 107.
- III Borrows, *Canada’s Indigenous Constitution: Haudenosaunee Confederacy*, “Confederacy’s Creation.”
- IV Cousins, “The Inherent Right.”
- V Borrows, *Canada’s Indigenous Constitution*, 73.
- VI Cousins, “The Inherent Right.”
- VII Borrows, *Canada’s Indigenous Constitution*.
- VIII Wagner, *Sisters in Spirit*.
- IX Gage, *Woman, Church & State*.
- X Martin-Hill, “She No Speaks,” 110.
- XI Ibid., 112.
- XII Kunesch, “Banishment as Cultural Justice.”
- XIII Cousins, “The Inherent Right,” 45.
- XIV Ibid., 45.
- XV Kunesch, “Banishment as Cultural Justice”; Garlow, “Could Using Banishment?”
- XVI Martin-Hill, “She No Speaks,” 107.
- XVII Fennario, “‘Marry out, Get out’”; Peritz, “Mohawk Community’s ‘Marry out, Get out.’”
- XVIII Garlow, “Could Using Banishment?”
- XIX Martin-Hill, “She No Speaks,” 109.



Rehabilitation and Reintegration Supports

Participants voiced support for culturally grounded rehabilitation and reintegration programs in correctional facilities, such as healing circles, increasing access to Indigenous ceremony or on-the-land programs, Indigenous art and culture workshops, and support from Elders. Participants argued that these programs offer holistic support to help address root causes of violence and criminality, rebuilding offenders' sense of identity and positive self-worth while reducing recidivism.

“Teach young people how to build their own sweat lodge [in correctional facilities]. They are so happy to be part of something, to have a role [in ceremony]. Even if they don't agree, they can work together and respect each other.” (2SLGBTQQIA Perspectives)

Participants discussed the need to increase access and availability of successful rehabilitative programs; for instance, by:

- ✓ **allowing individuals in remand to access programs and services** while waiting for sentencing or convictions, so that they may use that time toward constructive growth;
- ✓ **improving availability** of programs and services for individuals with shorter sentences or serving time in provincial facilities; and
- ✓ **safeguarding programs from shifts in funding or leadership**, including staff turnover within correctional facilities and changes in government.

Participants emphasized the need for increased support for individuals transitioning back into communities from correctional facilities, in order to support them in re-establishing healthy lives and rebuilding relationships with their community. Key programs and services identified by participants include:

- ✓ **transitional housing** in well-connected areas of the community, to increase access to other support services;
- ✓ **dedicated employment services**, with a recognition of the increased barriers previous offenders face in finding employment;
- ✓ **healing lodges**, providing ongoing, culturally grounded support to address root causes of criminal behaviour such as trauma;
- ✓ **ceremonies to mark this important transition and welcome them back into the community**; and
“Ceremony that represents leaving behind what once was, and what is no more.”
(Métis Perspectives)
- ✓ **dedicated 2SLGBTQQIA support services**, acknowledging the particular challenges that this population faces in correctional facilities, such as renewed trauma from discrimination.



At the Two Spirit Pow Wow in Winnipeg, Manitoba, Two-Spirit dancers are able to dance as themselves. Used with permission courtesy of Sadie-Phoenix Lavoie, two-spirit Anishinaabe from Sagkeeng First Nation, Treaty 1.

Conclusion: Making Connections

The Guided Dialogue sessions sought to bridge many of the experiences the National Inquiry heard about with the need to better understand the context within which these experiences took place. Bringing together front-line service providers, along with Elders and Knowledge Keepers, provided a bridge that animated our approach to transforming experiences into actionable, impactful recommendations. Embracing a new research model within the context of the National Inquiry, and perhaps of national inquiries in general, participants were also able to build their own bridges and forge new connections for engagement in the critical and important community-building and capacity-building work that they do. We thank the participants for their candour, their passion, and their ongoing commitment to improving outcomes and creating safety for Indigenous women, girls, and 2SLGBTQQIA people.



Notes

- 1 Quoted statements in this report are drawn from notes taken during the Guided Dialogues sessions, indicating the session perspective in brackets to provide further context for the statement. Although notetakers were instructed to stay true to the language used by participants as much as possible, quotes do not necessarily represent verbatim statements from participants. Minor edits for syntax and clarity are indicated with brackets.
- 2 For instance, participants cited the Truth and Reconciliation Commission of Canada's *Calls to Action*, the *United Nations Declaration on the Rights of Indigenous Peoples*, the Royal Commission on Aboriginal Peoples, the Viens Commission, a resolution passed by the Assembly of First Nations regarding Two-Spirit people, and the *Convention on Violence Against Women*.
- 3 As Williams, Craft, and Pastora Sala describe, "The Cree worldview is founded on relationships with the goal of achieving *mino-pimatisiwin*" (13), a concept that includes physical, social, economic, cultural, and environmental well-being. See Williams, Craft and Pastora Sala, "Keeyask."
- 4 The Quechua term *sumak kawsay*, also known in Spanish as *buen vivir*, can be translated to English as "good living" or "the good life." This concept reflects ethical principles of living in harmony with our communities and nature, and preserving culture and identity. See Pachama Alliance, "Sumak Kawsay."
- 5 According to 2016 census data tables, as interpreted by the Ontario Human Rights Commission, Indigenous children made up over half of the children in foster care in Canada, although they represent only 7% of the total population. See Ontario Human Rights Commission, *Interrupted Childhoods*.
- 6 In 2016, the Canadian Human Rights Tribunal concluded that First Nations children in Canada have received inequitable funding for child and family welfare services, constituting racial discrimination. See First Nations Child and Family Caring Society of Canada, "Canadian Human Rights Tribunal Decisions on First Nations Child Welfare and Jordan's Principle: Information Sheet."
- 7 See Canada, Department of Health, "Jordan's Principle" and First Nations Child and Family Caring Society of Canada, "Jordan's Timeline."
- 8 One participant cited the fourth Call to Action from the Truth and Reconciliation Commission of Canada (2015) that calls for an affirmation of the right of Indigenous governments to establish and maintain their own child-welfare agencies. See Truth and Reconciliation Commission of Canada, *Calls to Action*, 1.
- 9 Participants cited Saskatchewan's introduction of the *Interpersonal Violence Disclosure Protocol (Clare's Law) Act* in 2018.
- 10 Assistance Centres for Victims of Crimes.



Calls for Justice

As the evidence demonstrates, human rights and Indigenous rights abuses and violations committed and condoned by the Canadian state represent genocide against Indigenous women, girls, and 2SLGBTQQIA people. These abuses and violations have resulted in the denial of safety, security, and human dignity. They are the root causes of the violence against Indigenous women, girls, and 2SLGBTQQIA people that generate and maintain a world within which Indigenous women, girls, and 2SLGBTQQIA people are forced to confront violence on a daily basis, and where perpetrators act with impunity.

The steps to end and redress this genocide must be no less monumental than the combination of systems and actions that has worked to maintain colonial violence for generations. A permanent commitment to ending the genocide requires addressing the four pathways explored within this report, namely:

- historical, multigenerational, and intergenerational trauma;
- social and economic marginalization;
- maintaining the status quo and institutional lack of will; and
- ignoring the agency and expertise of Indigenous women, girls, and 2SLGBTQQIA people.

Addressing these four pathways means full compliance with all human and Indigenous rights instruments, as well as with the premise that began this report: that the daily encounters with individuals, institutions, systems, and structures that compromise security must be addressed with a new view toward relationships.

Although we have been mandated to provide recommendations, it must be understood that these recommendations, which we frame as “Calls for Justice,” are legal imperatives – they are not optional. The Calls for Justice arise from international and domestic human and Indigenous rights laws, including the *Charter*, the Constitution, and the Honour of the Crown. As such, Canada has a legal obligation to fully implement these Calls for Justice and to ensure Indigenous women, girls, and 2SLGBTQQIA people live in dignity. We demand a world within which First Nations, Inuit, and Métis families can raise their children with the same safety, security, and human rights that non-Indigenous families do, along with full respect for the Indigenous and human rights of First Nations, Inuit, and Métis families.

As we noted in our *Interim Report*, there has been very limited movement to implement recommendations from previous reports. What little efforts have been made have focused more on reactive rather than preventative measures.¹ This is a significant barrier to addressing the root causes of violence. Further, insufficient political will continues to be a roadblock across all initiatives. We maintain now, as we did then, that proper prioritization and resourcing of solutions by Canadian governments must come with real partnerships with Indigenous Peoples that support self-determination, in a decolonizing way.²

In presenting these Calls for Justice, we begin, first, by setting out the principles for change that have informed our work throughout the National Inquiry, and that represent the building blocks for meaningful and permanent transformation. These basic principles permeate and inform all of our Calls for Justice, and should be considered guiding principles for interpreting and implementing all of the Calls for Justice.

Next, we articulate our Calls for Justice as imperatives for redress that go beyond one area or issue and that touch on all of the abuses and violations that family members and survivors of violence identified in sharing their truths.

These Calls for Justice represent important ways to end the genocide and to transform systemic and societal values that have worked to maintain colonial violence.

Our Calls for Justice aren’t just about institutions, or about governments, although they have foundational obligations to uphold; there is a role for everyone in the short and the long term. Individuals, institutions, and governments can all play a part; we encourage you, as you read these recommendations, to understand and, most importantly, to act on yours.

Principles for Change

Our Calls for Justice are based on a solid foundation of evidence and law. Witnesses who shared their truths with us also explained that there are many important principles and ideas that must inform the implementation of any of the Calls for Justice in order for them to be effective and meaningful.

A Focus on Substantive Equality and Human and Indigenous Rights

Indigenous women, girls, and 2SLGBTQQIA people are holders of inherent Indigenous rights, constitutional rights, and international and domestic human rights. In addition, many Indigenous Peoples in Canada are rights holders under various Treaties, land claims, and settlement agreements.

As this report affirms, and as the Canadian Human Rights Commission has pointed out:

A fundamental premise of this approach is that Indigenous women and girls should not be treated solely as victims but as independent human rights holders.... A human rights-based approach would be a critical element in efforts to bring about a paradigm shift in Canada's relationship with Indigenous Peoples, particularly Indigenous women and girls. This is because such an approach would reframe issues of importance related to Indigenous women and girls as a "denial of rights" instead of "unfulfilled needs". Exposure to violence would then be seen as a systemic violation of the rights to gender equality and non-discrimination requiring broad structural changes (i.e. policing practices, judicial), instead of a symptom of service gaps requiring temporary solutions.

This approach would reaffirm Canada's commitment to uphold and to promote the human rights of people in vulnerable circumstances. It would also constitute a significant step towards the implementation of Canada's obligations enshrined in international human rights conventions and declarations (e.g. the Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Elimination of all Forms of Racial Discrimination, and the United Nations Declaration on the Rights of Indigenous Peoples). These obligations were further outlined in the recommendations made by various international bodies, such as the Committee on the Elimination of All Forms of Discrimination Against Women and the Inter-American Commission on Human Rights.³

Throughout this report we have also pointed to other legal instruments, including the *Convention on the Prevention and Punishment of the Crime of Genocide* (PPCG), that must be considered in terms of viewing Indigenous women, girls, and 2SLGBTQQIA people as rights holders. Please note that, due to the complexity of the issue of genocide, a supplementary report will be available on our website that explores this finding in greater detail within a legal framework of analysis. Throughout these Calls, we maintain that all actions and remediation to address root causes of violence must be human and Indigenous rights-based with a focus on substantive equality for Indigenous Peoples.



Indigenous women speak out: there can be no true reconciliation without justice.

Credit: Ben Powless

“Substantive equality” is a legal principle that refers to the achievement of true equality in outcomes. It is required in order to address the historical disadvantages, intergenerational trauma, and discrimination experienced by a person to narrow the gap of inequality that they are experiencing in order to improve their overall well-being. In addition, the fundamental principle that human rights are interconnected means that none of the issues addressed in this report, though separated for ease of reading and

comprehension, should be considered in isolation; all are key to achieving and maintaining substantive equality and in implementing measures that uphold rights and create safety. In these Calls for Justice, we frequently call upon “all governments”; in the interpretation of these Calls, **“all governments” refers to federal, provincial, territorial, municipal, and Indigenous governments.**

A Decolonizing Approach

Implementation of these Calls for Justice must include a decolonizing approach. As we explained in our *Interim Report*:

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.⁴

Decolonizing approaches involve recognizing inherent rights through the principle that Indigenous Peoples have the right to govern themselves in relation to matters that are internal to their communities; integral to their unique cultures, identities, traditions, languages, and institutions; and with respect to their special relationship to their resources, which many witnesses described as their relatives.

Our approach honours and respects Indigenous values, philosophies, and knowledge systems. It is a strengths-based approach, focusing on the resilience and expertise of individuals and communities themselves.

Inclusion of Families and Survivors

The implementation of the Calls for Justice must include the perspectives and participation of Indigenous women, girls, and 2SLGBTQQIA people with lived experience, including the families of the missing and murdered and survivors of violence. The definition of “family” is not limited to a nuclear family. “Family” must be understood to include all forms of familial kinship, including but not limited to biological families, chosen families, and families of the heart.⁵

We centre their contributions throughout the report, because we know that this inclusion is key to healing and to understanding the strength and resilience that lie at the heart of each person, each family, and each community from whom we heard. We maintain the need for this approach to the implementation of all Calls for Justice, ensuring that the specific measures taken fully engage these perspectives and this expertise.

Self-Determined and Indigenous-Led Solutions and Services

Services and solutions must be led by Indigenous governments, organizations, and people. This is based on the self-determination and self-governance of Indigenous Peoples, as defined per articles 3 and 4 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP):

Article 3: “Indigenous Peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

Article 4: “Indigenous Peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.”

Though defined by these articles, self-determination actually represents an inherent right that exists independent of any statute or legislation. The colonial mindset by which Indigenous leaders ask for permission and the state gives permission has to end. Further, the exclusion of Indigenous women, girls, 2SLGBTQQIA people, Elders, and children from the exercise of Indigenous self-determination must end.

Where Indigenous Peoples and non-Indigenous governments have to work together to create solutions and deliver services, it must be in true partnership that respects Indigenous self-determination in all matters. Within this, we maintain that solutions should stem from Indigenous communities and Nations, and that these solutions must be prioritized and sustainably and equitably resourced.

Recognizing Distinctions

Indigenous women, girls, and 2SLGBTQQIA people come from diverse First Nations, Métis, and Inuit communities. The Calls for Justice must 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. These include, but are not limited to:

- Self-identification
 - ✓ First Nation
 - ✓ Inuit
 - ✓ Métis

- Geographical- or regional-specific information
 - ✓ North, South, East, West
 - ✓ Proximity to urban centres, oceans, water, and natural resources
 - ✓ Locations of traditional territories and homelands
 - ✓ Municipal, provincial, and territorial boundaries

- Residency
 - ✓ On-reserve/off-reserve
 - ✓ Rural/urban
 - ✓ Remote and northern
 - ✓ Communities and settlements

- A gendered lens and framework that ensures that impacts on women, girls, and 2SLGBTQQIA individuals are taken into account. This also includes understanding the differences and diversity among 2SLGBTQQIA people and understanding that the needs, within communities of individuals, may not necessarily be the same.

Cultural Safety

The interpretation and implementation of the Calls for Justice must include the necessity for cultural safety. Cultural safety goes beyond the idea of cultural “appropriateness” and demands the incorporation of services and processes that empower Indigenous Peoples. The creation of cultural safety requires, at a minimum, the inclusion of Indigenous languages, laws and protocols, governance, spirituality, and religion.

Trauma-Informed Approach

Incorporating knowledge of trauma into all policies, procedures, and practices of solutions and services is crucial to the implementation of the Calls for Justice. It is fundamental to recognizing the impacts of trauma and to responding appropriately to signs of trauma. Interpretation and implementation of the Calls for Justice must include funding to ensure all necessary steps to create a trauma-informed approach and to deliver trauma-informed services are viable.

The interpretation and implementation of our Calls for Justice must take into account all of these approaches and principles, because they are interconnected and inseparable. All Calls for Justice are aimed at ending genocide, tackling root causes of violence, and improving the quality of life of Indigenous women, girls, and 2SLGBTQQIA people. This is the only way forward.



Sarah Birmingham is the mother of Mary Ann Birmingham, killed in 1986. When she remembers her daughter, she always remembers her smiling. Now she's participating in the #SacredMMIWG education and awareness campaign to make change. Credit: Nadya Kwandibens

Overarching Findings

While we have included findings specific to particular themes, issues and communities through the second section of this report, we maintain that there are many truths that we heard that make it clear how these areas are connected and are inseparable, where the actions or inactions of particular groups, institutions, and governments have served to promote violence and perpetuate genocide.

Overarching findings include:

- ☑ The significant, persistent, and deliberate pattern of systemic racial and gendered human rights and Indigenous rights violations and abuses – perpetuated historically and maintained today by the Canadian state, designed to displace Indigenous Peoples from their land, social structures, and governance and to eradicate their existence as Nations, communities, families, and individuals – is the cause of the disappearances, murders, and violence experienced by Indigenous women, girls, and 2SLGBTQQIA people, and is genocide. This colonialism, discrimination, and genocide explains the high rates of violence against Indigenous women, girls, and 2SLGBTQQIA people.

An absolute paradigm shift is required to dismantle colonialism within Canadian society, and from all levels of government and public institutions. Ideologies and instruments of colonialism, racism, and misogyny, past and present, must be rejected.

- ☑ Canada has signed and ratified many international declarations and treaties that affect Indigenous women's, girls', and 2SLGBTQQIA people's rights, protection, security, and safety. Canada has failed to meaningfully implement the provisions of these legal instruments, including PPCG, ICESCR, ICCPR, UNCRC, CEDAW, and UNDRIP.

Further, the Canadian state has enacted domestic laws, including but not limited to section 35 of the Constitution, the *Charter of Rights and Freedoms*, and human rights legislation, to ensure the legal protection of human rights and Indigenous rights. All governments, including Indigenous governments, have an obligation to uphold and protect the Indigenous and human rights of all Indigenous women, girls, and 2SLGBTQQIA people as outlined in these laws. Canada has failed to protect these rights and to acknowledge and remedy the human rights violations and abuses that have been consistently perpetrated against Indigenous women, girls, and 2SLGBTQQIA people.

There is no accessible and reliable mechanism within the Canadian state for Indigenous women, girls, and 2SLGBTQQIA people to seek recourse and remedies for the violations of their domestic and international human rights and Indigenous rights. The Canadian legal system fails to hold the state and state actors accountable for their failure to meet domestic and international human rights and Indigenous rights obligations.

- ✓ The Canadian state has displaced Indigenous women and 2SLGBTQQIA people from their traditional roles in governance and leadership and continues to violate their political rights. This has been done through concerted efforts to destroy and replace Indigenous governance systems with colonial and patriarchal governance models, such as the *Indian Act*, and through the imposition of laws of general application throughout Canada. Indigenous governments or bands as established under the *Indian Act* or through local municipal governments do not have the full trust of Indigenous women, girls, and 2SLGBTQQIA people. Indigenous bands and councils and community leadership who have authority through colonial law are generally seen as not representing all of the interests of Indigenous women, girls, and 2SLGBTQQIA people.
- ✓ We recognize self-determination and self-governance as fundamental Indigenous and human rights and a best practice. Indigenous self-determination and self-governance in all areas of Indigenous society are required to properly serve and protect Indigenous women, girls, and 2SLGBTQQIA people. This is particularly true in the delivery of services.

Efforts by Indigenous women, girls, and 2SLGBTQQIA people to be self-determining face significant barriers. Many Indigenous women’s advocacy organizations and grassroots organizations engaging in essential work to support survivors of violence and families of missing or lost loved ones, and working toward restoring safety, are underfunded and undersupported by current funding formulas and systems.

Temporary and deficit-based approaches do not increase capacity for self-determination or self-governance, and fail to adequately provide protection and safety, as well as substantive equality. Short-term or project-based funding models in service areas are not sustainable, and represent a violation of inherent rights to self-governance and a failure to provide funding on a needs-based approach, equitably, substantively, and stably.



Clifford Crowchild honours the memory of his mother, Jacqueline Crazybull, killed in 2007. The #SacredMMIWG awareness campaign was developed by Eagle Vision and shot by renowned Anishinaabe photographer Nadya Kwandibens. Credit: Nadya Kwandibens

Calls For Justice For All Governments

The National Inquiry heard many truths connected with the deliberate actions and inactions of all levels of government. In addition, the evidence makes clear that changing the structures and the systems that sustain violence in daily encounters is not only necessary to combat violence, but is an essential legal obligation of all governments in Canada. We target many of our Calls for Justice at governments for this reason, and identify how governments can work to honour Indigenous women, girls, and 2SLGBTQQIA people, and to protect their human and Indigenous rights, in the thematic areas examined within this report.

Human and Indigenous Rights and Governmental Obligations

1.1 **We call upon federal, provincial, territorial, municipal, and Indigenous governments (hereinafter “all governments”),** in partnership with Indigenous Peoples, to develop and implement a National Action Plan to address violence against Indigenous women, girls, and 2SLGBTQQIA people, as recommended in our *Interim Report* and in support of existing recommendations by other bodies of inquiry and other reports.⁶ As part of the National Action Plan, we call upon all governments to ensure that equitable access to basic rights such as employment, housing, education, safety, and health care is recognized as a fundamental means of protecting Indigenous and human rights, re-sourced and supported as rights-based programs founded on substantive equality. All programs must be no-barrier, and must apply regardless of Status or location.

Governments should:

- i Table and implement a National Action Plan that is flexible and distinctions-based, and that includes regionally specific plans with devoted funding and timetables for implementation that are rooted in the local cultures and communities of diverse Indigenous identities, with measurable goals and necessary resources dedicated to capacity building, sustainability, and long-term solutions.
- ii Make publicly available on an annual basis reports of ongoing actions and developments in measurable goals related to the National Action Plan.

1.2 We call upon all governments, with the full participation of Indigenous women, girls, and 2SLGBTQQIA people, to immediately implement and fully comply with all relevant rights instruments, including but not limited to:

- i ICCPR, ICESCR, UNCRC, CEDAW, and ICERD, as well as all optional protocols to these instruments, including the 3rd Protocol to the *United Nations Convention on the Rights of the Child* (UNCRC).

- ii *American Convention on Human Rights*: specifically, that Canada ratify the *American Convention on Human Rights* and the *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*.
 - iii All the recommendations of the 2015 UN CEDAW *Inquiry Report* and cooperation with the UN Committee on the Elimination of Discrimination against Women on all follow-up procedures.
 - iv All recommendations made by international human rights bodies, including treaty-monitoring bodies, on causes and recommendations to address violence against all, but specifically Indigenous women, girls, and 2SLGBTQQIA individuals.
 - v UNDRIP, including recognition, protection, and support of Indigenous self-governance and self-determination, as defined by UNDRIP and by Indigenous Peoples, including that these rights are guaranteed equally to women and men, as rights protected under section 35 of the Constitution. This requires respecting and making space for Indigenous self-determination and self-governance, and the free, prior, and informed consent of Indigenous Peoples to all decision-making processes that affect them, eliminating gender discrimination in the *Indian Act*, and amending the Constitution to bring it into conformity with UNDRIP.
- 1.3 We call upon all governments, in meeting human and Indigenous rights obligations, to pursue prioritization and resourcing of the measures required to eliminate the social, economic, cultural, and political marginalization of Indigenous women, girls, and 2SLGBTQQIA people when developing budgets and determining government activities and priorities.
- 1.4 We call upon all governments, and in particular Indigenous governments and Indigenous representative organizations, to take urgent and special measures to ensure that Indigenous women, girls, and 2SLGBTQQIA people are represented in governance and that their political rights are respected and upheld. We call upon all governments to equitably support and promote the role of Indigenous women, girls, and 2SLGBTQQIA people in governance and leadership. These efforts must include the development of policies and procedures to protect Indigenous women, girls, and 2SLGBTQQIA people against sexism, homophobia, transphobia, and racism within political life.
- 1.5 We call upon all governments to immediately take all necessary measures to prevent, investigate, punish, and compensate for violence against Indigenous women, girls, and 2SLGBTQQIA people.
- 1.6 We call upon all governments to eliminate jurisdictional gaps and neglect that result in the denial of services, or improperly regulated and delivered services, that address the social, economic, political, and cultural marginalization of, and violence against, Indigenous women, girls, and 2SLGBTQQIA people.



Vanessa Brooks's sister, Tanya Brooks, was killed in 2009. As part of the #SacredMMIWG portrait series, she remembers how her life was with Tanya in it: peaceful, serene, her sacred space.
 Credit: Nadya Kwandibens

1.7 We call upon the federal, provincial, and territorial governments, in partnership with Indigenous Peoples, to establish a National Indigenous and Human Rights Ombudsperson, with authority in all jurisdictions, and to establish a National Indigenous and Human Rights Tribunal. The ombudsperson and tribunal must be independent of governments and have the authority to receive complaints from Indigenous individuals as well as Indigenous communities in relation to Indigenous and human rights violations, and to conduct thorough and independent evaluations of government services for First Nations, Inuit, and Métis people and communities to determine compliance with human and Indigenous rights laws.

The ombudsperson and the tribunal must be given sufficient resources to fulfill their mandates and must be permanent.

1.8 We call upon all governments to create specific and long-term funding, available to Indigenous communities and organizations, to create, deliver, and disseminate prevention programs, education, and awareness campaigns designed for Indigenous communities and families related to violence prevention and combatting lateral violence. Core and sustainable funding, as opposed to program funding, must be provided to national and regional Indigenous women's and 2SLGBTQQIA people's organizations.

1.9 We call upon all governments to develop laws, policies, and public education campaigns to challenge the acceptance and normalization of violence.

1.10 We call upon the federal government to create an independent mechanism to report on the implementation of the National Inquiry's Calls for Justice to Parliament, annually.

1.11 We call upon the federal government – specifically, Library and Archives Canada and the Privy Council Office – to maintain and to make easily accessible the National Inquiry's public record and website.

Calls for Justice for All Governments: Culture

- 2.1 We call upon all governments to acknowledge, recognize, and protect the rights of Indigenous Peoples to their cultures and languages as inherent rights, and constitutionally protected as such under section 35 of the Constitution.
- 2.2 We call upon all governments to recognize Indigenous languages as official languages, with the same status, recognition, and protection provided to French and English. This includes the directives that:
 - i Federal, provincial, and territorial governments must legislate Indigenous languages in the respective territory as official languages.
 - ii All governments must make funds available to Indigenous Peoples to support the work required to revitalize and restore Indigenous cultures and languages.
- 2.3 We call upon all governments to ensure that all Indigenous women, girls, and 2SLGBTQQA people are provided with safe, no-barrier, permanent, and meaningful access to their cultures and languages in order to restore, reclaim, and revitalize their cultures and identities. These are rights held by all segments of Indigenous communities, from young children to Elders. The programs and services that provide such access should not be tied exclusively to government-run cultural or educational institutions. All governments must further ensure that the rights of Indigenous children to retain and be educated in their Indigenous language are upheld and protected. All governments must ensure access to immersion programs for children from preschool into post-secondary education.
- 2.4 We call upon all governments to provide the necessary resources and permanent funds required to preserve knowledge by digitizing interviews with Knowledge Keepers and language speakers. We further call upon all governments to support grassroots and community-led Indigenous language and cultural programs that restore identity, place, and belonging within First Nations, Inuit, and Métis communities through permanent, no-barrier funding and resources. Special measures must include supports to restore and revitalize identity, place, and belonging for Indigenous Peoples and communities who have been isolated from their Nations due to colonial violence, including 2SLGBTQQA people and women who have been denied Status.
- 2.5 We call upon all governments, in partnership with Indigenous Peoples, to create a permanent empowerment fund devoted to supporting Indigenous-led initiatives for Indigenous individuals, families, and communities to access cultural knowledge, as an important and strength-based way to support cultural rights and to uphold self-determined services. This empowerment fund should include the support of land-based educational programs that can assist in foundational cultural learning and awareness. This empowerment fund will also assist in the revitalization of distinct cultural practices as expressed by Indigenous women, girls, and 2SLGBTQQA people, with eligibility criteria and decision making directly in their hands.

- 2.6 We call upon all governments to educate their citizens about, and to confront and eliminate, racism, sexism, homophobia, and transphobia. To accomplish this, the federal government, in partnership with Indigenous Peoples and provincial and territorial governments, must develop and implement an Anti-Racism and Anti-Sexism National Action Plan to end racist and sexualized stereotypes of Indigenous women, girls, and 2SLGBTQQIA people. The plan must target the general public as well as public services.
- 2.7 We call upon all governments to adequately fund and support Indigenous-led initiatives to improve the representation of Indigenous Peoples in media and pop culture.

Calls for Justice for All Governments: Health and Wellness

- 3.1 We call upon all governments to ensure that the rights to health and wellness of Indigenous Peoples, and specifically of Indigenous women, girls, and 2SLGBTQQIA people, are recognized and protected on an equitable basis.
- 3.2 We call upon all governments to provide adequate, stable, equitable, and ongoing funding for Indigenous-centred and community-based health and wellness services that are accessible and culturally appropriate, and meet the health and wellness needs of Indigenous women, girls, and 2SLGBTQQIA people. The lack of health and wellness services within Indigenous communities continues to force Indigenous women, girls, and 2SLGBTQQIA people to relocate in order to access care. Governments must ensure that health and wellness services are available and accessible within Indigenous communities and wherever Indigenous women, girls, and 2SLGBTQQIA people reside.
- 3.3 We call upon all governments to fully support First Nations, Inuit, and Métis communities to call on Elders, Grandmothers, and other Knowledge Keepers to establish community-based trauma-informed programs for survivors of trauma and violence.
- 3.4 We call upon all governments to ensure that all Indigenous communities receive immediate and necessary resources, including funding and support, for the establishment of sustainable, permanent, no-barrier, preventative, accessible, holistic, wraparound services, including mobile trauma and addictions recovery teams. We further direct that trauma and addictions treatment programs be paired with other essential services such as mental health services and sexual exploitation and trafficking services as they relate to each individual case of First Nations, Inuit, and Métis women, girls, and 2SLGBTQQIA people.
- 3.5 We call upon all governments to establish culturally competent and responsive crisis response teams in all communities and regions, to meet the immediate needs of an Indigenous person, family, and/or community after a traumatic event (murder, accident, violent event, etc.), alongside ongoing support.

3.6 We call upon all governments to ensure substantive equality in the funding of services for Indigenous women, girls, and 2SLGBTQQIA people, as well as substantive equality for Indigenous-run health services. Further, governments must ensure that jurisdictional disputes do not result in the denial of rights and services. This includes mandated permanent funding of health services for Indigenous women, girls, and 2SLGBTQQIA people on a continual basis, regardless of jurisdictional lines, geographical location, and Status affiliation or lack thereof.

3.7 We call upon all governments to provide continual and accessible healing programs and support for all children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people and their family members. Specifically, we call for the permanent



establishment of a fund akin to the Aboriginal Healing Foundation and related funding. These funds and their administration must be independent from government and must be distinctions-based. There must be accessible and equitable allocation of specific monies within the fund for Inuit, Métis, and First Nations Peoples.

Rinelle Harper is a survivor and advocate who refused to let people ignore the issue of violence against Indigenous women, girls, and 2SLGBTQQIA people. She says: “I want people to know that change starts with us.” Credit: Nadya Kwandibens

Calls for Justice for All Governments: Human Security

4.1 We call upon all governments to uphold the social and economic rights of Indigenous women, girls, and 2SLGBTQQIA people by ensuring that Indigenous Peoples have services and infrastructure that meet their social and economic needs. All governments must immediately ensure that Indigenous Peoples have access to safe housing, clean drinking water, and adequate food.

4.2 We call upon all governments to recognize Indigenous Peoples’ right to self-determination in the pursuit of economic social development. All governments must support and resource economic and social progress and development on an equitable basis, as these measures are required to uphold the human dignity, life, liberty, and security of Indigenous women, girls, and 2SLGBTQQIA people. All governments must support and

resource community-based supports and solutions designed to improve social and economic security, led by Indigenous women, girls, and 2SLGBTQQIA people. This support must come with long-term, sustainable funding designed to meet the needs and objectives as defined by Indigenous Peoples and communities.

- 4.3 We call upon all governments to support programs and services for Indigenous women, girls, and 2SLGBTQQIA people in the sex industry to promote their safety and security. These programs must be designed and delivered in partnership with people who have lived experience in the sex industry. We call for stable and long-term funding for these programs and services.
- 4.4 We call upon all governments to provide supports and resources for educational, training, and employment opportunities for all Indigenous women, girls, and 2SLGBTQQIA people. These programs must be available within all Indigenous communities.
- 4.5 We call upon all governments to establish a guaranteed annual livable income for all Canadians, including Indigenous Peoples, to meet all their social and economic needs. This income must take into account diverse needs, realities, and geographic locations.
- 4.6 We call upon all governments to immediately commence the construction of new housing and the provision of repairs for existing housing to meet the housing needs of Indigenous women, girls, and 2SLGBTQQIA people. This construction and provision of repairs must ensure that Indigenous women, girls, and 2SLGBTQQIA people have access to housing that is safe, appropriate to geographic and cultural needs, and available wherever they reside, whether in urban, rural, remote, or Indigenous communities.
- 4.7 We call upon all governments to support the establishment and long-term sustainable funding of Indigenous-led low-barrier shelters, safe spaces, transition homes, second-stage housing, and services for Indigenous women, girls, and 2SLGBTQQIA people who are homeless, near homeless, dealing with food insecurity, or in poverty, and who are fleeing violence or have been subjected to sexualized violence and exploitation. All governments must ensure that shelters, transitional housing, second-stage housing, and services are appropriate to cultural needs, and available wherever Indigenous women, girls, and 2SLGBTQQIA people reside.
- 4.8 We call upon all governments to ensure that adequate plans and funding are put into place for safe and affordable transit and transportation services and infrastructure for Indigenous women, girls, and 2SLGBTQQIA people living in remote or rural communities. Transportation should be sufficient and readily available to Indigenous communities, and in towns and cities located in all of the provinces and territories in Canada. These plans and funding should take into consideration:
 - ways to increase safe public transit;
 - ways to address the lack of commercial transit available; and
 - special accommodations for fly-in, northern, and remote communities.

Calls for Justice for All Governments: Justice

- 5.1 We call upon all governments to immediately implement the recommendations in relation to the Canadian justice system in: *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada*, Royal Commission on Aboriginal Peoples (1996); and the *Report of the Aboriginal Justice Inquiry of Manitoba: Public Inquiry into the Administration of Justice and Aboriginal People* (1991).
- 5.2 We call upon the federal government to review and amend the *Criminal Code* to eliminate definitions of offences that minimize the culpability of the offender.
- 5.3 We call upon the federal government to review and reform the law about sexualized violence and intimate partner violence, utilizing the perspectives of feminist and Indigenous women, girls, and 2SLGBTQQA people.
- 5.4 We call upon all governments to immediately and dramatically transform Indigenous policing from its current state as a mere delegation to an exercise in self-governance and self-determination over policing. To do this, the federal government's First Nations Policing Program must be replaced with a new legislative and funding framework, consistent with international and domestic policing best practices and standards, that must be developed by the federal, provincial, and territorial governments in partnership with Indigenous Peoples. This legislative and funding framework must, at a minimum, meet the following considerations:
 - i Indigenous police services must be funded to a level that is equitable with all other non-Indigenous police services in this country. Substantive equality requires that more resources or funding be provided to close the gap in existing resources, and that required staffing, training, and equipment are in place to ensure that Indigenous police services are culturally appropriate and effective police services.
 - ii There must be civilian oversight bodies with jurisdiction to audit Indigenous police services and to investigate claims of police misconduct, including incidents of rape and other sexual assaults, within those services. These oversight bodies must report publicly at least annually.
- 5.5 We call upon all governments to fund the provision of policing services within Indigenous communities in northern and remote areas in a manner that ensures that those services meet the safety and justice needs of the communities and that the quality of policing services is equitable to that provided to non-Indigenous Canadians. This must include but is not limited to the following measures:
 - i With the growing reliance on information management systems, particularly in the area of major and interjurisdictional criminal investigations, remote communities must be ensured access to reliable high-speed Internet as a right.

- ii Major crime units and major case management must be more accessible to remote and northern communities on a faster basis than the service is being delivered now.
- iii Capacity must be developed in investigative tools and techniques for the investigation of sexualized violence, including but not limited to tools for the collection of physical evidence, such as sexual assault kits, and specialized and trauma-informed questioning techniques.
- iv Crime-prevention funding and programming must reflect community needs.

5.6 We call upon provincial and territorial governments to develop an enhanced, holistic, comprehensive approach for the provision of support to Indigenous victims of crime and families and friends of Indigenous murdered or missing persons. This includes but is not limited to the following measures:

- i Guaranteed access to financial support and meaningful and appropriate trauma care must be provided for victims of crime and traumatic incidents, regardless of whether they report directly to the police, if the perpetrator is charged, or if there is a conviction.
- ii Adequate and reliable culturally relevant and accessible victim services must be provided to family members and survivors of crime, and funding must be provided to Indigenous and community-led organizations that deliver victim services and healing supports.
- iii Legislated paid leave and disability benefits must be provided for victims of crime or traumatic events.
- iv Guaranteed access to independent legal services must be provided throughout court processes. As soon as an Indigenous woman, girl, or 2SLGBTQQA person decides to report an offence, before speaking to the police, they must have guaranteed access to legal counsel at no cost.
- v Victim services must be independent from prosecution services and police services.

5.7 We call upon federal and provincial governments to establish robust and well-funded Indigenous civilian police oversight bodies (or branches within established reputable civilian oversight bodies within a jurisdiction) in all jurisdictions, which must include representation of Indigenous women, girls, and 2SLGBTQQA people, inclusive of diverse Indigenous cultural backgrounds, with the power to:

- i Observe and oversee investigations in relation to police negligence or misconduct, including but not limited to rape and other sexual offences.
- ii Observe and oversee investigations of cases involving Indigenous Peoples.
- iii Publicly report on police progress in addressing findings and recommendations at least annually.

- 5.8 We call upon all provincial and territorial governments to enact missing persons legislation.
- 5.9 We call upon all governments to ensure that protection orders are available, accessible, promptly issued, and effectively serviced and resourced to protect the safety of Indigenous women, girls, and 2SLGBTQQIA people.
- 5.10 We call upon all governments to recruit and retain more Indigenous justices of the peace, and to expand their jurisdictions to match that of the Nunavut Justice of the Peace.
- 5.11 We call upon all governments to increase accessibility to meaningful and culturally appropriate justice practices by expanding restorative justice programs and Indigenous Peoples' courts.
- 5.12 We call upon federal, provincial, and territorial governments to increase Indigenous representation in all Canadian courts, including within the Supreme Court of Canada.
- 5.13 We call upon all provincial and territorial governments to expand and adequately resource legal aid programs in order to ensure that Indigenous women, girls, and 2SLGBTQQIA people have access to justice and meaningful participation in the justice system. Indigenous women, girls, and 2SLGBTQQIA people must have guaranteed access to legal services in order to defend and assert their human rights and Indigenous rights.
- 5.14 We call upon federal, provincial and territorial governments to thoroughly evaluate the impact of mandatory minimum sentences as it relates to the sentencing and over-incarceration of Indigenous women, girls, and 2SLGBTQQIA people and to take appropriate action to address their over-incarceration.
- 5.15 We call upon federal, provincial, and territorial governments and all actors in the justice system to consider Gladue reports as a right and to resource them appropriately, and to create national standards for Gladue reports, including strength-based reporting.
- 5.16 We call upon federal, provincial, and territorial governments to provide community-based and Indigenous-specific options for sentencing.
- 5.17 We call upon federal, provincial, and territorial governments to thoroughly evaluate the impacts of Gladue principles and section 718.2(e) of the *Criminal Code* on sentencing equity as it relates to violence against Indigenous women, girls, and 2SLGBTQQIA people.
- 5.18 We call upon the federal government to consider violence against Indigenous women, girls, and 2SLGBTQQIA people as an aggravating factor at sentencing, and to amend the *Criminal Code* accordingly, with the passage and enactment of Bill S-215.
- 5.19 We call upon the federal government to include cases where there is a pattern of intimate partner violence and abuse as murder in the first degree under section 222 of the *Criminal Code*.

- 5.20 We call upon the federal government to implement the Indigenous-specific provisions of the *Corrections and Conditional Release Act* (SC 1992, c.20), sections 79 to 84.1.
- 5.21 We call upon the federal government to fully implement the recommendations in the reports of the Office of the Correctional Investigator and those contained in the Auditor General of Canada (*Preparing Indigenous Offenders for Release*, Fall 2016); the *Calls to Action of the Truth and Reconciliation Commission of Canada* (2015); the report of the Standing Committee on Public Safety and National Security, *Indigenous People in the Federal Correctional System* (June 2018); the report of the Standing Committee on the Status of Women, *A Call to Action: Reconciliation with Indigenous Women in the Federal Justice and Corrections Systems* (June 2018); and the *Commission of Inquiry into certain events at the Prison for Women in Kingston* (1996, Arbour Report) in order to reduce the gross overrepresentation of Indigenous women and girls in the criminal justice system.
- 5.22 We call upon the federal government to return women’s corrections to the key principles set out in *Creating Choices* (1990).
- 5.23 We call upon the federal government to create a Deputy Commissioner for Indigenous Corrections to ensure corporate attention to, and accountability regarding, Indigenous issues.
- 5.24 We call upon the federal government to amend data collection and intake-screening processes to gather distinctions-based and intersectional data about Indigenous women, girls, and 2SLGBTQQIA people.
- 5.25 We call upon all governments to resource research on men who commit violence against Indigenous women, girls, and 2SLGBTQQIA people.

Calls for Justice: Industries, Institutions, Services, and Partnerships

As this report has demonstrated, so much of the violence shared in the truths of those who testified began with an encounter between a person and an institution or a service that could have ultimately contributed to wellness, if it had occurred differently. In this section of our Calls for Justice, we identify important industries, institutions and services that are featured in testimony throughout this report. We include the idea of partnership, because so many of these services and institutions operated in partnership with governments at all levels; these Calls, therefore, while aimed at service providers, must be interpreted with an insistence on proper resourcing and interjurisdictional cooperation, in order to ensure safety for Indigenous women, girls, and 2SLGBTQQIA people.

Calls for Media and Social Influencers:

- 6.1 We call upon all media, news corporations and outlets, and, in particular, government-funded corporations and outlets; media unions, associations, and guilds; academic institutions teaching journalism or media courses; governments that fund such corporations, outlets, and academic institutions; and journalists, reporters, bloggers, film producers, writers, musicians, music producers, and, more generally, people working in the entertainment industry to take decolonizing approaches to their work and publications in order to educate all Canadians about Indigenous women, girls, and 2SLGBTQQIA people. More specifically, this includes the following:
- i Ensure authentic and appropriate representation of Indigenous women, girls, and 2SLGBTQQIA people, inclusive of diverse Indigenous cultural backgrounds, in order to address negative and discriminatory stereotypes.



*Winnipeg Police Chief Danny Smyth participates in the National Inquiry's #SacredMMIWG art project/portrait series. He and many others continue to bring light to the issue of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people.
Credit: Nadya Kwandibens*

- ii Support Indigenous people sharing their stories, from their perspectives, free of bias, discrimination, and false assumptions, and in a trauma-informed and culturally sensitive way.
- iii Increase the number of Indigenous people in broadcasting, television, and radio, and in journalist, reporter, producer, and executive positions in the entertainment industry, including, and not limited to, by:
 - providing educational and training opportunities aimed at Indigenous inclusion; and
 - providing scholarships and grants aimed at Indigenous inclusion in media, film, and music industry-related fields of study.
- iv Take proactive steps to break down the stereotypes that hypersexualize and demean Indigenous women, girls, and 2SLGBTQQIA people, and to end practices that perpetuate myths that Indigenous women are more sexually available and “less worthy” than non-Indigenous women because of their race or background.

Calls for Health and Wellness Service Providers:

- 7.1 We call upon all governments and health service providers to recognize that Indigenous Peoples – First Nations, Inuit, and Métis, including 2SLGBTQQIA people – are the experts in caring for and healing themselves, and that health and wellness services are most effective when they are designed and delivered by the Indigenous Peoples they are supposed to serve, in a manner consistent with and grounded in the practices, world views, cultures, languages, and values of the diverse Inuit, Métis, and First Nations communities they serve.
- 7.2 We call upon all governments and health service providers to ensure that health and wellness services for Indigenous Peoples include supports for healing from all forms of unresolved trauma, including intergenerational, multigenerational, and complex trauma. Health and wellness programs addressing trauma should be Indigenous-led, or in partnership with Indigenous communities, and should not be limited in time or approaches.
- 7.3 We call upon all governments and health service providers to support Indigenous-led prevention initiatives in the areas of health and community awareness, including, but not limited to programming:
 - for Indigenous men and boys
 - related to suicide prevention strategies for youth and adults
 - related to sexual trafficking awareness and no-barrier exiting
 - specific to safe and healthy relationships
 - specific to mental health awareness
 - related to 2SLGBTQQIA issues and sex positivity

- 7.4 We call upon all governments and health service providers to provide necessary resources, including funding, to support the revitalization of Indigenous health, wellness, and child and Elder care practices. For healing, this includes teachings that are land-based and about harvesting and the use of Indigenous medicines for both ceremony and health issues. This may also include: matriarchal teachings on midwifery and post-natal care for both woman and child; early childhood health care; palliative care; Elder care and care homes to keep Elders in their home communities as valued Knowledge Keepers; and other measures. Specific programs may include but are not limited to correctional facilities, healing centres, hospitals, and rehabilitation centres.
- 7.5 We call upon governments, institutions, organizations, and essential and non-essential service providers to support and provide permanent and necessary resources for specialized intervention, healing and treatment programs, and services and initiatives offered in Indigenous languages.
- 7.6 We call upon institutions and health service providers to ensure that all persons involved in the provision of health services to Indigenous Peoples receive ongoing training, education, and awareness in areas including, but not limited to:
- the history of colonialism in the oppression and genocide of Inuit, Métis, and First Nations Peoples;
 - anti-bias and anti-racism;
 - local language and culture; and
 - local health and healing practices.
- 7.7 We call upon all governments, educational institutions, and health and wellness professional bodies to encourage, support, and equitably fund Indigenous people to train and work in the area of health and wellness.
- 7.8 We call upon all governments and health service providers to create effective and well-funded opportunities, and to provide socio-economic incentives, to encourage Indigenous people to work within the health and wellness field and within their communities. This includes taking positive action to recruit, hire, train, and retain long-term staff and local Indigenous community members for health and wellness services offered in all Indigenous communities.
- 7.9 We call upon all health service providers to develop and implement awareness and education programs for Indigenous children and youth on the issue of grooming for exploitation and sexual exploitation.

Calls for Transportation Service Providers and the Hospitality Industry:

- 8.1 We call upon all transportation service providers and the hospitality industry to undertake training to identify and respond to sexual exploitation and human trafficking, as well as the development and implementation of reporting policies and practices.

Calls for Police Services:

- 9.1 We call upon all police services and justice system actors to acknowledge that the historical and current relationship between Indigenous women, girls, and 2SLGBTQQIA people and the justice system has been largely defined by colonialism, racism, bias, discrimination, and fundamental cultural and societal differences. We further call upon all police services and justice system actors to acknowledge that, going forward, this relationship must be based on respect and understanding, and must be led by, and in partnerships with, Indigenous women, girls, and 2SLGBTQQIA people.
- 9.2 We call upon all actors in the justice system, including police services, to build respectful working relationships with Indigenous Peoples by knowing, understanding, and respecting the people they are serving. Initiatives and actions should include, but are not limited to, the following measures:
 - i Review and revise all policies, practices, and procedures to ensure service delivery that is culturally appropriate and reflects no bias or racism toward Indigenous Peoples, including victims and survivors of violence.
 - ii Establish engagement and partnerships with Indigenous Peoples, communities, and leadership, including women, Elders, youth, and 2SLGBTQQIA people from the respective territories and who are resident within a police service’s jurisdiction.
 - iii Ensure appropriate Indigenous representation, including Indigenous women, girls, and 2SLGBTQQIA people, on police services boards and oversight authorities.
 - iv Undertake training and education of all staff and officers so that they understand and implement culturally appropriate and trauma-informed practices, especially when dealing with families of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people.
- 9.3 We call upon all governments to fund an increase in recruitment of Indigenous Peoples to all police services, and for all police services to include representation of Indigenous women, girls, and 2SLGBTQQIA people, inclusive of diverse Indigenous cultural backgrounds, within their ranks. This includes measures such as the following:
 - i Achieve representative First Nations, Inuit, and Métis diversity and gender diversity within all police services through intensive and specialized recruitment across Canada.

- ii Ensure mandatory Indigenous language capacity within police services.
- iii Ensure that screening of recruits includes testing for racial, gender, gender identity, and sexual orientation bias.
- iv Include the Indigenous community in the recruitment and hiring committees/process.
- v In training recruits, include: history of police in the oppression and genocide of Indigenous Peoples; anti-racism and anti-bias training; and culture and language training. All training must be distinctions-based and relevant to the land and people being served; training must not be pan-Indigenous.
- vi Retain Indigenous officers through relevant employment supports, and offer incentives to Indigenous officers to meet their unique needs as Indigenous officers serving Indigenous communities, to ensure retention and overall health and wellness of the service.
- vii End the practice of limited-duration posts in all police services, and instead implement a policy regarding remote and rural communities focused on building and sustaining a relationship with the local community and cultures. This relationship must be led by, and in partnership with, the Indigenous Peoples living in those remote and rural communities.

9.4 We call upon non-Indigenous police services to ensure they have the capacity and resources to serve and protect Indigenous women, girls, and 2SLGBTQQIA people. We further call upon all non-Indigenous police services to establish specialized Indigenous policing units within their services located in cities and regions with Indigenous populations.

- i Specialized Indigenous policing units are to be staffed with experienced and well-trained Indigenous investigators, who will be the primary investigative teams and officers overseeing the investigation of cases involving Indigenous women, girls, and 2SLGBTQQIA people.
- ii Specialized Indigenous policing units are to lead the services' efforts in community liaison work, community relationship building, and community crime-prevention programs within and for Indigenous communities.
- iii Specialized Indigenous policing units, within non-Indigenous police services, are to be funded adequately by governments.

9.5 We call upon all police services for the standardization of protocols for policies and practices that ensure that all cases of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people are thoroughly investigated. This includes the following measures:

- i Establish a communication protocol with Indigenous communities to inform them of policies, practices, and programs that make the communities safe.
 - ii Improve communication between police and families of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people from the first report, with regular and ongoing communication throughout the investigation.
 - iii Improve coordination across government departments and between jurisdictions and Indigenous communities and police services.
 - iv Recognize that the high turnover among officers assigned to a missing and murdered Indigenous woman's, girl's, or 2SLGBTQQIA person's file may negatively impact both progress on the investigation and relationships with family members; police services must have robust protocols to mitigate these impacts.
 - v Create a national strategy, through the Canadian Association of Chiefs of Police, to ensure consistency in reporting mechanisms for reporting missing Indigenous women, girls, and 2SLGBTQQIA people. This could be developed in conjunction with implementation of a national database.
 - vi Establish standardized response times to reports of missing Indigenous persons and women, girls, and 2SLGBTQQIA people experiencing violence, and conduct a regular audit of response times to monitor and provide feedback for improvement.
 - vii Lead the provincial and territorial governments to establish a nationwide emergency number.
- 9.6 We call upon all police services to establish an independent, special investigation unit for the investigation of incidents of failures to investigate, police misconduct, and all forms of discriminatory practices and mistreatment of Indigenous Peoples within their police service. This special investigation unit must be transparent in practice and report at least annually to Indigenous communities, leadership, and people in their jurisdiction.
- 9.7 We call upon all police services to partner with front-line organizations that work in service delivery, safety, and harm reduction for Indigenous women, girls, and 2SLGBTQQIA people to expand and strengthen police services delivery.
- 9.8 We call upon all police services to establish and engage with a civilian Indigenous advisory committee for each police service or police division, and to establish and engage with a local civilian Indigenous advisory committee to advise the detachment operating within the Indigenous community.
- 9.9 We call upon all levels of government and all police services for the establishment of a national task force, comprised of an independent, highly qualified, and specialized team of investigators, to review and, if required, to reinvestigate each case of all unresolved

files of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people from across Canada. Further, this task force must disclose to families and to survivors all non-privileged information and findings.

- 9.10 We call upon all police services to voluntarily produce all unresolved cases of missing or murdered Indigenous women, girls, and 2SLGBTQQIA people to the national task force.
- 9.11 We call upon all police services to develop and implement guidelines for the policing of the sex industry in consultation with women engaged in the sex industry, and to create a specific complaints mechanism about police for those in the sex industry.

Calls for Attorneys and Law Societies:

- 10.1 We call upon the federal, provincial, and territorial governments, and Canadian law societies and bar associations, for mandatory intensive and periodic training of Crown attorneys, defence lawyers, court staff, and all who participate in the criminal justice system, in the area of Indigenous cultures and histories, including distinctions-based training. This includes, but is not limited to, the following measures:
 - i All courtroom officers, staff, judiciary, and employees in the judicial system must take cultural competency training that is designed and led in partnership with local Indigenous communities.
 - ii Law societies working with Indigenous women, girls, and 2SLGBTQQIA people must establish and enforce cultural competency standards.
 - iii All courts must have a staff position for an Indigenous courtroom liaison worker that is adequately funded and resourced to ensure Indigenous people in the court system know their rights and are connected to appropriate services.

Calls for Educators:

- 11.1 We call upon all elementary, secondary, and post-secondary institutions and education authorities to educate and provide awareness to the public about missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, and about the issues and root causes of violence they experience. All curriculum development and programming should be done in partnership with Indigenous Peoples, especially Indigenous women, girls, and 2SLGBTQQIA people. Such education and awareness must include historical and current truths about the genocide against Indigenous Peoples through state laws, policies, and colonial practices. It should include, but not be limited to, teaching Indigenous history, law, and practices from Indigenous perspectives and the use of *Their Voices Will Guide Us* with children and youth.

- 11.2 We call upon all educational service providers to develop and implement awareness and education programs for Indigenous children and youth on the issue of grooming for exploitation and sexual exploitation.

Calls for Social Workers and Those Implicated in Child Welfare:

- 12.1 We call upon all federal, provincial, and territorial governments to recognize Indigenous self-determination and inherent jurisdiction over child welfare. Indigenous governments and leaders have a positive obligation to assert jurisdiction in this area. We further assert that it is the responsibility of Indigenous governments to take a role in intervening, advocating, and supporting their members impacted by the child welfare system, even when not exercising jurisdiction to provide services through Indigenous agencies.
- 12.2 We call upon on all governments, including Indigenous governments, to transform current child welfare systems fundamentally so that Indigenous communities have control over the design and delivery of services for their families and children. These services must be adequately funded and resourced to ensure better support for families and communities to keep children in their family homes.
- 12.3 We call upon all governments and Indigenous organizations to develop and apply a definition of “best interests of the child” based on distinct Indigenous perspectives, world views, needs, and priorities, including the perspective of Indigenous children and youth. The primary focus and objective of all child and family services agencies must be upholding and protecting the rights of the child through ensuring the health and well-being of children, their families, and communities, and family unification and reunification.
- 12.4 We call upon all governments to prohibit the apprehension of children on the basis of poverty and cultural bias. All governments must resolve issues of poverty, inadequate and substandard housing, and lack of financial support for families, and increase food security to ensure that Indigenous families can succeed.
- 12.5 We call upon all levels of government for financial supports and resources to be provided so that family or community members of children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people are capable of caring for the children left behind. Further, all governments must ensure the availability and accessibility of specialized care, such as grief, loss, trauma, and other required services, for children left behind who are in care due to the murder or disappearance of their caregiver.
- 12.6 We call upon all governments and child welfare services to ensure that, in cases where apprehension is not avoidable, child welfare services prioritize and ensure that a family member or members, or a close community member, assumes care of Indigenous children. The caregivers should be eligible for financial supports equal to an amount that might otherwise be paid to a foster family, and will not have other government financial

support or benefits removed or reduced by virtue of receiving additional financial supports for the purpose of caring for the child. This is particularly the case for children who lose their mothers to violence or to institutionalization and are left behind, needing family and belonging to heal.

- 12.7 We call upon all governments to ensure the availability and accessibility of distinctions-based and culturally safe culture and language programs for Indigenous children in the care of child welfare.
- 12.8 We call upon provincial and territorial governments and child welfare services for an immediate end to the practice of targeting and apprehending infants (hospital alerts or birth alerts) from Indigenous mothers right after they give birth.
- 12.9 We call for the establishment of a Child and Youth Advocate in each jurisdiction with a specialized unit with the mandate of Indigenous children and youth. These units must be established within a period of one year of this report. We call upon the federal government to establish a National Child and Youth Commissioner who would also serve as a special measure to strengthen the framework of accountability for the rights of Indigenous children in Canada. This commissioner would act as a national counterpart to the child advocate offices that exist in nearly all provinces and territories.
- 12.10 We call upon the federal, provincial, and territorial governments to immediately adopt the Canadian Human Rights Tribunal 2017 CHRT 14 standards regarding the implementation of Jordan’s Principle in relation to all First Nations (Status and non-Status), Métis, and Inuit children. We call on governments to modify funding formulas for the provision of services on a needs basis, and to prioritize family support, reunification, and prevention of harms. Funding levels must represent the principle of substantive equity.
- 12.11 We call upon all levels of government and child welfare services for a reform of laws and obligations with respect to youth “aging out” of the system, including ensuring a complete network of support from childhood into adulthood, based on capacity and needs, which includes opportunities for education, housing, and related supports. This includes the provision of free post-secondary education for all children in care in Canada.
- 12.12 We call upon all child and family services agencies to engage in recruitment efforts to hire and promote Indigenous staff, as well as to promote the intensive and ongoing training of social workers and child welfare staff in the following areas:
- history of the child welfare system in the oppression and genocide of Indigenous Peoples
 - anti-racism and anti-bias training
 - local culture and language training
 - sexual exploitation and trafficking training to recognize signs and develop specialized responses

- 12.13 We call upon all governments and child welfare agencies to fully implement the Spirit Bear Plan.⁷
- 12.14 We call upon all child welfare agencies to establish more rigorous requirements for safety, harm-prevention, and needs-based services within group or care homes, as well as within foster situations, to prevent the recruitment of children in care into the sex industry. We also insist that governments provide appropriate care and services, over the long term, for children who have been exploited or trafficked while in care.
- 12.15 We call upon child welfare agencies and all governments to fully investigate deaths of Indigenous youth in care.

Calls for Extractive and Development Industries:

- 13.1 We call upon all resource-extraction and development industries to consider the safety and security of Indigenous women, girls, and 2SLGBTQQIA people, as well as their equitable benefit from development, at all stages of project planning, assessment, implementation, management, and monitoring.
- 13.2 We call upon all governments and bodies mandated to evaluate, approve, and/or monitor development projects to complete gender-based socio-economic impact assessments on all proposed projects as part of their decision making and ongoing monitoring of projects. Project proposals must include provisions and plans to mitigate risks and impacts identified in the impact assessments prior to being approved.
- 13.3 We call upon all parties involved in the negotiations of impact-benefit agreements related to resource-extraction and development projects to include provisions that address the impacts of projects on the safety and security of Indigenous women, girls, and 2SLGBTQQIA people. Provisions must also be included to ensure that Indigenous women and 2SLGBTQQIA people equitably benefit from the projects.
- 13.4 We call upon the federal, provincial, and territorial governments to fund further inquiries and studies in order to better understand the relationship between resource extraction and other development projects and violence against Indigenous women, girls, and 2SLGBTQQIA people. At a minimum, we support the call of Indigenous women and leaders for a public inquiry into the sexual violence and racism at hydroelectric projects in northern Manitoba.
- 13.5 We call upon resource-extraction and development industries and all governments and service providers to anticipate and recognize increased demand on social infrastructure because of development projects and resource extraction, and for mitigation measures to be identified as part of the planning and approval process. Social infrastructure must be expanded and service capacity built to meet the anticipated needs of the host communities in advance of the start of projects. This includes but is not limited to ensuring that policing, social services, and health services are adequately staffed and resourced.

Calls for Correctional Service Canada:

- 14.1 We call upon Correctional Service Canada to take urgent action to establish facilities described under sections 81 and 84 of the *Corrections and Conditional Release Act* to ensure that Indigenous women, girls, and 2SLGBTQQIA people have options for decarceration. Such facilities must be strategically located to allow for localized placements and mother-and-child programming.
- 14.2 We call upon Correctional Service Canada to ensure that facilities established under sections 81 and 84 of the *Corrections and Conditional Release Act* receive funding parity with Correctional Service Canada-operated facilities. The agreements made under these sections must transfer authority, capacity, resources, and support to the contracting community organization.
- 14.3 We call upon Correctional Service Canada to immediately rescind the maximum security classification that disproportionately limits federally sentenced Indigenous women classified at that level from accessing services, supports, and programs required to facilitate their safe and timely reintegration.
- 14.4 We call upon Correctional Service Canada to evaluate, update, and develop security classification scales and tools that are sensitive to the nuances of Indigenous backgrounds and realities.
- 14.5 We call upon Correctional Service Canada to apply Gladue factors in all decision making concerning Indigenous women and 2SLGBTQQIA people and in a manner that meets their needs and rehabilitation.
- 14.6 We call upon Correctional Service Canada and provincial and territorial services to provide intensive and comprehensive mental health, addictions, and trauma services for incarcerated Indigenous women, girls, and 2SLGBTQQIA people, ensuring that the term of care is needs-based and not tied to the duration of incarceration. These plans and services must follow the individuals as they reintegrate into the community.
- 14.7 We call upon Correctional Service Canada to prohibit transfer of federally incarcerated women in need of mental health care to all-male treatment centres.
- 14.8 We call upon Correctional Service Canada to ensure its correctional facilities and programs recognize the distinct needs of Indigenous offenders when designing and implementing programming for First Nations, Inuit, and Métis women. Correctional Service Canada must use culturally safe, distinctions-based, and trauma-informed models of care, adapted to the needs of Indigenous women, girls, and 2SLGBTQQIA people.
- 14.9 We call upon Correctional Service Canada, in order to support reintegration, to increase opportunities for meaningful vocational training, secondary school graduation, and post-secondary education.

- 14.10 We call upon Correctional Service Canada to increase and enhance the role and participation of Elders in decision making for all aspects of planning for Indigenous women and 2SLGBTQIA people.
- 14.11 We call upon Correctional Service Canada to expand mother-and-child programming and to establish placement options described in sections 81 and 84 of the *Corrections and Conditional Release Act* to ensure that mothers and their children are not separated.
- 14.12 We call upon Correctional Service Canada and provincial and territorial correctional services to provide programming for men and boys that confronts and ends violence against Indigenous women, girls, and 2SLGBTQIA people.
- 14.13 We call upon Correctional Service Canada to eliminate the practice of strip-searches.



Marlene Jack, sister of Doreen Jack, missing since 1989. Of the missing, she says: “I just want to bring them home. Find them and bring them home, where they belong.” Credit: Nadya Kwandibens

Calls for Justice for All Canadians

As this report has shown, and within every encounter, each person has a role to play in order to combat violence against Indigenous women, girls, and 2SLGBTQQIA people. Beyond those Calls aimed at governments or at specific industries or service providers, we encourage every Canadian to consider how they can give life to these Calls for Justice.

We call on all Canadians to:

- 15.1 Denounce and speak out against violence against Indigenous women, girls, and 2SLGBTQQIA people.
- 15.2 Decolonize by learning the true history of Canada and Indigenous history in your local area. Learn about and celebrate Indigenous Peoples' history, cultures, pride, and diversity, acknowledging the land you live on and its importance to local Indigenous communities, both historically and today.
- 15.3 Develop knowledge and read the *Final Report*. Listen to the truths shared, and acknowledge the burden of these human and Indigenous rights violations, and how they impact Indigenous women, girls, and 2SLGBTQQIA people today.
- 15.4 Using what you have learned and some of the resources suggested, become a strong ally. Being a strong ally involves more than just tolerance; it means actively working to break down barriers and to support others in every relationship and encounter in which you participate.
- 15.5 Confront and speak out against racism, sexism, ignorance, homophobia, and transphobia, and teach or encourage others to do the same, wherever it occurs: in your home, in your workplace, or in social settings.
- 15.6 Protect, support, and promote the safety of women, girls, and 2SLGBTQQIA people by acknowledging and respecting the value of every person and every community, as well as the right of Indigenous women, girls, and 2SLGBTQQIA people to generate their own, self-determined solutions.
- 15.7 Create time and space for relationships based on respect as human beings, supporting and embracing differences with kindness, love, and respect. Learn about Indigenous principles of relationship specific to those Nations or communities in your local area and work, and put them into practice in all of your relationships with Indigenous Peoples.
- 15.8 Help hold all governments accountable to act on the Calls for Justice, and to implement them according to the important principles we set out.

Suggested Resources for Learning:

National Inquiry into Missing and Murdered Indigenous Women and Girls. *Our Women and Girls Are Sacred: The Interim Report of the National Inquiry into Missing and Murdered Women and Girls*. <http://www.mmiwg-ffada.ca/publications/>.

National Inquiry into Missing and Murdered Indigenous Women and Girls. *Their Voices Will Guide Us: Student and Youth Engagement Guide*. <http://www.mmiwg-ffada.ca/publications/>.

Transcripts, testimonies, and public statements offered during the Truth-Gathering Process, available at www.mmiwg-ffada.ca/transcripts/ and <http://www.mmiwg-ffada.ca/part-ii-and-part-iii-knowledge-keeper-expert-and-institutional-hearing-transcripts/>.

In addition, please consult our bibliography for a list of all sources used in this report.

Suggested Resources for Allyship:

Amnesty International. “10 Ways to Be a Genuine Ally to Indigenous Communities.” <https://www.amnesty.org.au/10-ways-to-be-an-ally-to-indigenous-communities/>.

Dr. Lynn Gehl. “Ally Bill of Responsibilities.” http://www.lynngehl.com/uploads/5/0/0/4/5004954/ally_bill_of_responsibilities_poster.pdf.

Indigenous Perspectives Society. “How to Be an Ally to Indigenous People.” <https://ipsociety.ca/news/page/7/>.

Montreal Urban Aboriginal Community Strategy Network. “Indigenous Ally Toolkit.” https://gallery.mailchimp.com/86d28ccd43d4be0cfc11c71a1/files/102bf040-e221-4953-a9ef-9f0c5efc3458/Ally_email.pdf.



Lorne Cardinal, from Squamish, BC, reminds us that it's not over – there are still missing and murdered women in this country, and still work to be done. Credit: Nadya Kwandibens

Calls for Justice: Distinctions-Based Calls

As we have maintained throughout the National Inquiry, and within this report, while many Indigenous women, girls, and 2SLGBTQQIA people share experiences of violence in common, the distinctions among these communities are important in understanding some of the specific ways, beyond the Calls for Justice already articulated, in which their rights to safety can be upheld by all governments, institutions and service providers. While the time limitations imposed upon the National Inquiry have not permitted an in-depth analysis based on regional or local specificity, we extend these Calls for Justice in relation to particular Indigenous communities – Inuit, Métis and First Nations as well as to Indigenous 2SLGBTQQIA people – whose distinctive needs must be addressed.

Inuit-Specific Calls for Justice:

Principles and guidelines for interpretation and implementation

Distinctions-Based Approach

Inuit, Métis, and First Nations are distinct peoples. Implementation of all recommendations in this *Final Report* and actions taken to ensure safety and social, economic, political, and cultural health and prosperity of Inuit women, girls, and 2SLGBTQQIA people must be done in a manner that is distinctions-based, recognizing and reflecting the distinct needs and governance structures of Inuit and reflective of the distinct relationship between Inuit and the Crown. They must also respect and appreciate the internal diversity within Inuit communities, including the diverse history, languages, dialects, and spiritual and religious beliefs.

Decision Making through Inuit Self-Determination

All actions taken to ensure the safety and well-being of Inuit women, girls, and 2SLGBTQQIA people must include the participation of Inuit women, girls, and 2SLGBTQQIA people and those with lived experience. Further, they must recognize and implement Inuit self-determination. All actions must be Inuit-led, rooted in Inuit laws, culture, language, traditions, and societal values. Implementation efforts will succeed only through the recognition and respect of Inuit knowledge, wisdom, and expertise.

Improving the safety and the social, economic, and cultural health and prosperity of Inuit women, girls, and 2SLGBTQQIA people can be achieved only through the sustained, whole-some, and transparent collaborative action of all governments (federal, provincial, and territorial) in full partnership with Inuit. Inuit society is artificially compartmentalized and divided through colonial geopolitical boundaries. Therefore, federal, provincial, and territorial jurisdictions must work with Inuit self-determination mechanisms to ensure appropriate decision making regarding intervention programs and services. Further, all governments must not use jurisdiction as an excuse to impede actions required to eliminating the social, economic, political, and cultural inequality and infrastructure gaps that are resulting in increased violence against Inuit women, girls, and 2SLGBTQQIA people.

Substantive Equality

State recognition, protection, and compliance with the human rights and Indigenous rights of Inuit are a legal imperative. Efforts by all governments are required to achieve substantive equality for Inuit. There must be true equality in outcomes. Nothing less than substantive equality is required to address the historical disadvantages, intergenerational trauma, and discrimination experienced by Inuit women, girls, and 2SLGBTQQIA people in order to ensure their social, economic, political, and cultural prosperity. In order to obtain substantive equality, all the specific needs of Inuit must be met in a culturally appropriate way and include equitable, sustainable and long-term resourcing and funding.

Calls for Justice for Inuit

Testimony shared by Inuit witnesses, experts, and Elders, and submissions by Inuit representative organizations, along with existing reports and research, demonstrated that Inuit have unique and distinct experiences of colonial oppression and violence. Further, witnesses emphasized distinct areas of concern and priority areas for Inuit women, girls, and 2SLGBTQQIA people that require distinct recommendations.

- 16.1 We call upon all governments to honour all socio-economic commitments as defined in land claims agreements and self-government agreements between Inuit and the Crown. These commitments must be upheld and implemented. Articles 23 and 24 of the Nunavut Land Claims Agreement, and commitments by governments to provide for the housing and economic needs of Inuit, must be fully complied with and implemented.

- 16.2 We call upon all governments to create laws and services to ensure the protection and revitalization of Inuit culture and language. All Inuit, including those living outside Inuit Nunangat, must have equitable access to culture and language programs. It is essential that Elders are included in the development and delivery of these programs.
- 16.3 We call upon all governments with jurisdiction in Inuit Nunangat to recognize Inuktut as the founding language, and it must be given official language status through language laws. Inuktut must be afforded the same recognition and protection and promotion as English and French within Inuit Nunangat, and all governments and agencies providing services to Inuit must ensure access to services in Inuktut, and invest in the capacity to be able to do so. Furthermore, all government and agency service providers must be culturally competent and educated in Inuit culture, laws, values, and history, also well as the history of colonial violence perpetuated by the Canadian state and government agents against Inuit.
- 16.4 Given that the intergenerational transfer of Inuit knowledge, values, and language is a right that must be upheld, we call upon all governments to fund and support the recording of Inuit knowledge about culture, laws, values, spirituality, and history prior to and since the start of colonization. Further, this knowledge must be accessible and taught to all Inuit, by Inuit. It is imperative that educational institutions prioritize the teaching of this knowledge to Inuit children and youth within all areas of the educational curriculum.
- 16.5 Given that reliable high-speed Internet services and telecommunications are necessary for Inuit to access government services and to engage in the Canadian economic, cultural, and political life, we call upon all governments with jurisdiction in Inuit Nunangat to invest the infrastructure to ensure all Inuit have access to high-speed Internet.
- 16.6 We call upon all governments and Inuit organizations to work collaboratively to ensure that population numbers for Inuit outside of the Inuit homeland are captured in a disaggregated manner, and that their rights as Inuit are upheld. These numbers are urgently needed to identify the growing, social, economic, political, and cultural needs of urban Inuit.
- 16.7 We call upon all governments to ensure the availability of effective, culturally appropriate, and accessible health and wellness services within each Inuit community. The design and delivery of these services must be inclusive of Elders and people with lived experience. Closing the service and infrastructure gaps in the following areas is urgently needed, and requires action by all governments. Required measures include but are not limited to:
- i The establishment and funding of birthing centres in each Inuit community, as well as the training of Inuit midwives in both Inuit and contemporary birthing techniques.

- ii The establishment and funding of accessible and holistic community wellness, health, and mental health services in each Inuit community. These services must be Inuit-led and operate in accordance with Inuit health and wellness values, approaches, and methods.
 - iii The establishment and funding of trauma and addictions treatment and healing options in each Inuit community.
- 16.8 We call upon all governments to invest in the recruitment and capacity building of Inuit within the medical, health, and wellness service fields. Training and competency in both contemporary and Inuit medical, health, and wellness practices and methodologies are essential for effective services in these fields.
- 16.9 We call upon the Government of Canada, in partnership with Inuit, to establish and resource an Inuit Healing and Wellness Fund to support grassroots and community-led programs. This fund must be permanently resourced and must be administered by Inuit and independent from government.
- 16.10 We call upon all governments to develop policies and programs to include healing and health programs within educational systems. These programs must be Inuit-led and must provide the resources to teach Inuit children Inuit-appropriate socio-emotional coping skills, pride, and capacity.
- 16.11 Given that healing occurs through the expression of art and culture, we call upon all governments within Inuit Nunangat to invest in Inuit artistic expression in all its forms through the establishment of infrastructure and by ensuring sustainable funds are available and accessible for Inuit artists.
- 16.12 We call upon all governments and service providers to ensure that Inuit men and boys are provided services that are gender- and Inuit-specific to address historic and ongoing trauma they are experiencing. These programs must be Inuit-led and -run, and must be well resourced and accessible.
- 16.13 We call upon all governments to take all measures required to implement the National Inuit Suicide Prevention Strategy with Inuit nationally and regionally, through Inuit Tapiriit Kanatami (ITK).
- 16.14 We call upon all federal, provincial, and territorial governments to review and amend laws in relation to child and family services to ensure they uphold the rights of Inuit children and families and conform to Inuit laws and values. Inuit parents and guardians must be provided access to Inuit-specific parenting and caregiving teachings and services.
- 16.15 In light of the multijurisdictional nature of child and family services as they currently operate for Inuit in Canada, we call upon the federal government, in partnership with Inuit, to establish and fund an Inuit Child and Youth Advocate with jurisdiction over all

- Inuit children in care. In the absence of a federally mandated Inuit Child and Youth Advocate, we call on all provinces and territories with Inuit children in their care to each establish Inuit-specific child and youth advocates.
- 16.16 We call upon all government agencies providing child and family services to Inuit children to enumerate and report on the number of Inuit children in their care. This data must be disaggregated and the reports must be shared with Inuit organizations and Inuit child and youth advocates.
- 16.17 We call upon all governments to prioritize supporting Inuit families and communities to meet the needs of Inuit children, recognizing that apprehension must occur only when absolutely required to protect a child. Placement of Inuit children with extended family and in Inuit homes must be prioritized and resourced. Placement outside of their communities and outside their homelands must be restricted.
- 16.18 We call upon all governments to respect the rights of Inuit children and people in care, including those who are placed in care outside of their Inuit homelands. All governments must ensure that children and people in care have access to their families and kinship systems and have meaningful access to their culture and language and to culturally relevant services. All child and family services agencies must work with Inuit communities within their jurisdiction to meet their obligations to Inuit children in their care. We call upon all governments to immediately invest in safe, affordable, and culturally appropriate housing within Inuit communities and for Inuit outside of their homelands, given the links between the housing crisis and violence, poor health (including tuberculosis) and suicide. Immediate and directed measures are required to end the crisis.
- 16.19 We call upon all governments to develop and fund safe houses, shelters, transition houses, and second-stage housing for Inuit women, girls, and 2SLGBTQQIA people fleeing violence. These houses and shelters are required in all Inuit communities and in urban centres with large Inuit populations. Shelters must not require full occupancy to remain open and to receive funding. Further, they must be independent from child and family services agencies, as women may not seek shelter due to fear of agency involvement. This action includes the establishment and funding of shelters and safe spaces for families, children, and youth, including Inuit who identify as 2SLGBTQQIA, who are facing socio-economic crises in all Inuit communities and in urban centres with large Inuit populations.
- 16.20 We call upon all governments to support the establishment of programs and services designed to financially support and promote Inuit hunting and harvesting in all Inuit communities. All governments with jurisdiction in Inuit Nunangat must immediately increase minimum wage rates and increase social assistance rates to meet the needs of Inuit and to match the higher cost of living in Inuit communities. A guaranteed annual livable income model, recognizing the right to income security, must be developed and implemented.

- 16.21 We call upon all governments to ensure equitable access to high-quality educational opportunities and outcomes from early childhood education to post-secondary education within Inuit communities. Further, all governments must invest in providing Inuit women, girls, and 2SLGBTQQIA people with accessible and equitable economic opportunities.
- 16.22 We call upon all governments to fund and to support culturally and age-appropriate programs for Inuit children and youth to learn about developing interpersonal relationships. These programs could include, for example, training in developing healthy relationships and personal well-being and traditional parenting skills. Furthermore, Inuit children and youth must be taught how to identify violence through the provision of age-appropriate educational programs like the Good Touch/Bad Touch program offered in Nunavik.
- 16.23 We call upon all governments to work with Inuit to provide public awareness and education to combat the normalization of domestic violence and sexualized violence against Inuit women, girls, and 2SLGBTQQIA people; to educate men and boys about the unacceptability of violence against Inuit women, girls, and 2SLGBTQQIA people; and to raise awareness and education about the human rights and Indigenous rights of Inuit.
- 16.24 We call upon all governments to fund and to support programs for Inuit children and youth to teach them how to respond to threats and identify exploitation. This is particularly the case with respect to the threats of drugs and drug trafficking as well as sexual exploitation and human trafficking. This awareness and education work must be culturally and age-appropriate and involve all members of the community, including 2SLGBTQQIA Inuit.
- 16.25 We call upon all educators to ensure that the education system, from early childhood to post-secondary, reflects Inuit culture, language, and history. The impacts and history of colonialism and its legacy and effects must also be taught. Successful educational achievements are more likely to be attained and be more meaningful for Inuit when they reflect their socio-economic, political, and cultural reality and needs. Further, we call upon all governments with jurisdiction over education within the Inuit homeland to amend laws, policies, and practices to ensure that the education system reflects Inuit culture, language, and history.
- 16.26 We call upon all governments to establish more post-secondary options within Inuit Nunangat to build capacity and engagement in Inuit self-determination in research and academia. We call on all governments to invest in the establishment of an accredited university within Inuit Nunangat.
- 16.27 We call upon all governments to ensure that in all areas of service delivery – including but not limited to policing, the criminal justice system, education, health, and social services – there be ongoing and comprehensive Inuit-specific cultural competency training for public servants. There must also be ongoing and comprehensive training in such

areas as trauma care, cultural safety training, anti-racism training, and education with respect to the historical and ongoing colonialism to which Inuit have been and are subjected.

- 16.28 Given that the failure to invest in resources required for treatment and rehabilitation has resulted in the failure of section 718(e) of the *Criminal Code* and the Gladue principles to meet their intended objectives, we call upon all governments to invest in Inuit-specific treatment and rehabilitation services to address the root causes of violent behaviour. This must include but is not limited to culturally appropriate and accessible mental health services, trauma and addictions services, and access to culture and language for Inuit. Justice system responses to violence must ensure and promote the safety and security of all Inuit, and especially that of Inuit women, girls, and 2SLGBTQQIA people.
- 16.29 We call upon all governments and service providers, in full partnership with Inuit, to design and provide wraparound, accessible, and culturally appropriate victim services. These services must be available and accessible to all Inuit and in all Inuit communities.
- 16.30 We call upon Correctional Service Canada and provincial and territorial corrections services to recognize and adopt an Inuit Nunangat model of policy, program, and service development and delivery. This is required to ensure that Inuit in correctional facilities get the Inuit-specific treatment and rehabilitation programs and services they need. Further, it will ensure that Inuit women can remain within their Inuit homelands and are able to maintain ties with their children and families. Correctional Service Canada and provincial and territorial correctional services must ensure that effective, needs-based, and culturally and linguistically appropriate correctional services are made available for Inuit women, girls, and 2SLGBTQQIA people in custody. Inuit men and boys in custody must also receive specialized programs and services to address their treatment and rehabilitation needs and to address the root causes of violent behaviour. We call upon Correctional Service Canada to support and equitably fund the establishment of facilities and spaces as described in section 81 and section 84 of the *Corrections and Conditional Release Act*, within all Inuit regions.
- 16.31 We call upon Correctional Service Canada and provincial and territorial correctional services to amend their intake and data-collection policies and practices to ensure that distinctions-based information about Inuit women, girls, and 2SLGBTQQIA people is accurately captured and monitored. All correctional services must report annually to Inuit representative organizations on the number of Inuit women within correctional services' care and custody.
- 16.32 We call upon police services, in particular the Royal Canadian Mounted Police (RCMP), to ensure there is Inuit representation among sworn officers and civilian staff within Inuit communities. Inuit are entitled to receive police services in Inuktut and in a culturally competent and appropriate manner. The RCMP must ensure they have the capacity

to uphold this right. Within the Nunavut Territory, and in accordance with Article 23 of the Nunavut Land Claims Agreement, the RCMP has obligations to recruit, train, and retain Inuit. The RCMP must take immediate and directed measures to ensure the number of Inuit within the RCMP in Nunavut, and throughout the Inuit homelands, is proportionally representative.

- 16.33 We call upon all governments to invest in capacity building, recruitment, and training to achieve proportional representation of Inuit throughout public service in Inuit homelands.
- 16.34 Within the Nunavut Territory, we call upon the federal and territorial governments to fully implement the principles and objectives of Article 23 of the Nunavut Land Claims Agreement. Proportional representation is an imperative in the arenas of public services and, in particular, the child welfare system, social services, the criminal justice system, police services, the courts, and corrections throughout Inuit Nunangat.
- 16.35 We call upon the federal government and the Province of Quebec to ensure the intent and objectives of the policing provisions of the James Bay Northern Quebec Agreement are fully implemented, including Inuit representation, participation, and control over policing services within Nunavik. The federal government and the government of Quebec must ensure the Kativik Regional Police Force (KRPF) is resourced and provided with the legal capacity to provide Nunavik Inuit with effective and substantively equitable policing services. Urgent investments are required to ensure that the KRPF has the infrastructure and human resource capacity to meet its obligations to provide competent, Inuit-specific policing services.
- 16.36 We call upon all governments to ensure there are police services in all Inuit communities.



*From Salluit, Nunavik, Elisapie Isaac is an Inuk singer/songwriter, mother, filmmaker and producer. She reminds us that lost loved ones are “Taken, Not Forgotten.”
Credit: Nadya Kwandibens*

- 16.37 We call upon all governments within Inuit Nunangat to amend laws, policies, and practices to reflect and recognize Inuit definitions of “family,” “kinship,” and “customs” to respect Inuit family structures.
- 16.38 We call upon all service providers working with Inuit to amend policies and practices to facilitate multi-agency interventions, particularly in cases of domestic violence, sexualized violence, and poverty. Further, in response to domestic violence, early intervention and prevention programs and services must be prioritized.
- 16.39 We call upon all governments to support and fund the establishment of culturally appropriate and effective child advocacy centres like the Umingmak Centre, the first child advocacy centre in Nunavut, throughout the Inuit homeland.
- 16.40 We call upon all governments to focus on the well-being of children and to develop responses to adverse childhood experiences that are culturally appropriate and evidence-based. This must include but is not limited to services such as intervention and counselling for children who have been sexually and physically abused.
- 16.41 We call upon governments and Inuit representative organizations to work with Inuit women, girls, and 2SLGBTQQIA people to identify barriers and to promote their equal representation within governance, and work to support and advance their social, economic, cultural, and political rights. Inuit women, Elders, youth, children, and 2SLGBTQQIA people must be given space within governance systems in accordance with their civil and political rights.
- 16.42 We call upon the federal government to ensure the long-term, sustainable, and equitable funding of Inuit women’s, youths’, and 2SLGBTQQIA people’s groups. Funding must meet the capacity needs and respect Inuit self-determination, and must not be tied to the priorities and agenda of federal, provincial, or territorial governments.
- 16.43 We call upon all governments and service providers within the Inuit homelands to ensure there are robust oversight mechanisms established to ensure services are delivered in a manner that is compliant with the human rights and Indigenous rights of Inuit. These mechanisms must be accessible and provide for meaningful recourse.
- 16.44 We call upon all governments to ensure the collection of disaggregated data in relation to Inuit to monitor and report on progress and the effectiveness of laws, policies, and services designed to uphold the social, economic, political, and cultural rights and well-being of Inuit women, girls, and 2SLGBTQQIA people. Monitoring and data collection must recognize Inuit self-determination and must be conducted in partnership with Inuit. Within any and all mechanisms established to oversee and monitor the implementation of the National Inquiry’s recommendations, we call upon all governments to ensure the equitable and meaningful involvement of Inuit governments and representative organizations, including those of Inuit women, girls, and and 2SLGBTQQIA people.

- 16.45 We call upon the federal government to acknowledge the findings of the Qikiqtani Truth Commission and to work to implement the recommendations therein in partnership with Qikiqtani Inuit Association and the Inuit of the Qikiqtaaluk region.
- 16.46 Many people continue to look for information and the final resting place of their lost loved one. The federal government, in partnership with Inuit, has established the Nanilavut project. We recognize the significance of the project as an important step in healing and Inuit self-determination in the healing and reconciliation process. We call upon the federal government to support the work of the Nanilavut project on a long-term basis, with sustained funding so that it can continue to serve Inuit families as they look for answers to the questions of what happened to their loved ones. We further insist that it must provide for the option of repatriation of the remains of lost loved ones once they are located.

Métis-Specific Calls for Justice:

The Calls for Justice in this report must be interpreted and implemented in a distinctions-based manner, taking into account the unique history, culture and reality of Métis communities and people. This includes the way that Métis people and their issues have been ignored by levels of government, which has resulted in barriers to safety for Métis women, girls, and 2SLGBTQQIA people. The diversity of the experiences of Métis women, girls, and 2SLGBTQQIA people, both among themselves, and as between other Indigenous women, girls, and 2SLGBTQQIA people, must be fully recognized and understood.

All actions taken to ensure the safety and well-being of Métis women, girls, and 2SLGBTQQIA people must include their participation, including those with lived experience. In addition, the recognition and protection of, and compliance with, the human rights and Indigenous rights of Métis women, girls, and 2SLGBTQQIA people on a substantively equal basis is a legal imperative.

Métis witnesses who testified at the National Inquiry, and Parties with Standing's closing submissions, emphasized the need for greater awareness of Métis issues and distinctive realities, and practical supports for Métis families. They also focused on guiding principles such as: Métis self-determination, and the need for culturally-specific solutions; respect for human rights; prevention in relation to violence and child welfare, and substantively equal governmental support for Métis children and families; and, inclusion of all Métis perspectives in decision making, including 2SLGBTQQIA people and youth.

- 17.1 We call upon the federal government to uphold its constitutional responsibility to Métis people and to non-Status people in the provision of all programs and services that fall under its responsibility.

- 17.2 We call upon the federal government to pursue the collection and dissemination of disaggregated data concerning violence against Métis women, girls, and 2SLGBTQQIA people, including barriers they face in accessing their rights to safety, informed by Métis knowledge and experiences. We also call upon the federal government to support and fund research that highlights distinctive Métis experiences, including the gathering of more stories specific to Métis perspectives on violence.
- 17.3 We call upon all governments to ensure equitable representation of Métis voices in policy development, funding, and service delivery, and to include Métis voices and perspectives in decision-making, including Métis 2SLGBTQQIA people and youth, and to implement self-determined and culturally specific solutions for Métis people.
- 17.4 We call upon all governments to fund and support Métis-specific programs and services that meet the needs of Métis people in an equitable manner, and dedicated Métis advocacy bodies and institutions, including but not limited to Métis health authorities and Métis child welfare agencies.
- 17.5 We call upon all governments to eliminate barriers to accessing programming and services for Métis, including but not limited to barriers facing Métis who do not reside in their home province.
- 17.6 We call upon all governments to pursue the implementation of a distinctions-based approach that takes into account the unique history of Métis communities and people, including the way that many issues have been largely ignored by levels of government and now present barriers to safety.
- 17.7 We call upon all governments to fund and to support culturally appropriate programs and services for Métis people living in urban centres, including those that respect the internal diversity of Métis communities with regards to spirituality, gender identity, and cultural identity.
- 17.8 We call upon all governments, in partnership with Métis communities, organizations, and individuals, to design mandatory, ongoing cultural competency training for public servants (including staff working in policing, justice, education, health care, social work, and government) in areas such as trauma-informed care, cultural safety training, anti-racism training, and understanding of Métis culture and history.
- 17.9 We call upon all governments to provide safe transportation options, particularly in rural, remote, and northern communities, including “safe rides” programs, and to monitor high recruitment areas where Métis women, girls, and 2SLGBTQQIA individuals may be more likely to be targeted.
- 17.10 We call upon all governments to respect Métis rights and individuals’ self-identification as Métis.

- 17.11 We call upon all governments to support and fund dialogue and relationships between Métis and First Nations communities.
- 17.12 We call upon police services to build partnerships with Métis communities, organizations, and people to ensure culturally safe access to police services.
- 17.13 We call upon police services to engage in education about the unique history and needs of Métis communities.
- 17.14 We call upon police services to establish better communication with Métis communities and populations through representative advisory boards that involve Métis communities and address their needs.
- 17.15 We call upon all governments to fund the expansion of community-based security models that include Métis perspectives and people, such as local peacekeeper officers or programs such as the Bear Clan Patrol.
- 17.16 We call upon all governments to provide support for self-determined and culturally specific needs-based child welfare services for Métis families that are focused on prevention and maintenance of family unity. These services will also focus on: avoiding the need for foster care; restoring family unity and providing support for parents trying to reunite with children; healing for parents; and developing survivor-led programs to improve family safety. These services include culturally grounded parenting education and interventions that support the whole family, such as substance abuse treatment programs that accommodate parents with children and that are specifically suited to Métis needs and realities. We also call upon all governments to provide long-term stable funding for wraparound services and exceptional programs aimed at keeping Métis families together.
- 17.17 We call upon all governments to provide more funding and support for Métis child welfare agencies and for child placements in Métis homes.
- 17.18 We call upon all governments to establish and maintain funding for cultural programming for Métis children in foster care, especially when they are placed in non-Indigenous or non-Métis families.
- 17.19 We call upon all governments to address Métis unemployment and poverty as a way to prevent child apprehension.
- 17.20 We call upon all governments to fund and support programs for Métis women, girls, and 2SLGBTQQIA people, including more access to traditional healing programs, treatment centres for youth, family support and violence prevention funding and initiatives for Métis, and the creation of no-barrier safe spaces, including spaces for Métis mothers and families in need.

- 17.21 We call upon the federal government to recognize and fulfill its obligations to the Métis people in all areas, especially in health, and further call upon all governments for services such as those under FNIHB to be provided to Métis and non-Status First Nations Peoples in an equitable manner consistent with substantive human rights standards.
- 17.22 We call upon all governments to respect and to uphold the full implementation of Jordan’s Principle with reference to the Métis.
- 17.23 We call upon all governments to provide Métis-specific programs and services that address emotional, mental, physical, and spiritual dimensions of well-being, including coordinated or co-located services to offer holistic wraparound care, as well as increased mental health and healing and cultural supports.
- 17.24 We call upon all governments and educators to fund and establish Métis-led programs and initiatives to address a lack of knowledge about the Métis people and culture within Canadian society, including education and advocacy that highlights the positive history and achievements of Métis people and increases the visibility, understanding, and appreciation of Métis people.
- 17.25 We call upon all governments to fund programs and initiatives that create greater access to cultural knowledge and foster a positive sense of cultural identity among Métis communities. These include initiatives that facilitate connections with family, land, community, and culture; culturally specific programming for Métis 2SLGBTQQIA people and youth; events that bring Métis Elders, Knowledge Keepers and youth together; and mentorship programs that celebrate and highlight Métis role models.



Sharon Johnson is sister to Sandra Johnson, killed in 1992. Every year she organizes a Valentine’s Day Memorial Walk in Thunder Bay to honour and remember those who are no longer with us. Credit: Nadya Kwandibens

- 17.26 We call upon all governments to fund and support cultural programming that helps to revitalize the practise of Métis culture, including integrating Métis history and Métis languages into elementary and secondary school curricula, and programs and initiatives to help Métis people explore their family heritage and identity and reconnect with the land.
- 17.27 We call upon all governments to pursue the development of restorative justice and rehabilitation programs, including within correctional facilities, specific to Métis needs and cultural realities, to help address root causes of violence and reduce recidivism, and to support healing for victims, offenders, and their families and communities.
- 17.28 We call upon all governments to provide increased victim support services specific to Métis needs to help Métis victims and families navigate the legal system and to support their healing and well-being throughout the process of seeking justice.
- 17.29 We call upon all actors within the justice system to engage in education and training regarding the history and contemporary realities of Métis experiences.

2SLGBTQQIA-Specific Calls for Justice:

Witnesses who testified at the National Inquiry emphasized the need for greater awareness of 2SLGBTQQIA issues, including the important history and contemporary place of 2SLGBTQQIA people within communities and ceremony, and practical supports and safe places for 2SLGBTQQIA people. Several priority areas were identified, including policing, education, justice, socio-economic priorities, health and healing, and child welfare. Witnesses also focused on guiding principles such as self-determined and culturally-specific solutions for 2SLGBTQQIA people, respect for human rights, prevention in relation to violence and child welfare, and inclusion of all perspectives in decision making, including youth.

Submissions made to the National Inquiry, specific to 2SLGBTQQIA peoples, reflected the need for a distinctions-based approach that takes into account the unique challenges to safety for 2SLGBTQQIA individuals and groups, including youth.

- 18.1 We call upon all governments and service providers to fund and support greater awareness of 2SLGBTQQIA issues, and to implement programs, services, and practical supports for 2SLGBTQQIA people that include distinctions-based approaches that take into account the unique challenges to safety for 2SLGBTQQIA individuals and groups.
- 18.2 We call upon all governments and service providers to be inclusive of all perspectives in decision making, including those of 2SLGBTQQIA people and youth.
- 18.3 We call upon all governments, service providers, and those involved in research to change the way data is collected about 2SLGBTQQIA people to better reflect the presence of individuals and communities, and to improve the inclusion of 2SLGBTQQIA people in research, including 2SLGBTQQIA-led research.

- 18.4 We call upon all governments, service providers, and those involved in research to modify data collection methods to:
- i Increase accurate, comprehensive statistical data on 2SLGBTQQIA individuals, especially to record the experiences of trans-identified individuals and individuals with non-binary gender identities.
 - ii Eliminate “either-or” gender options and include gender-inclusive, gender-neutral, or non-binary options – for example, an “X-option” – on reporting gender in all contexts, such as application and intake forms, surveys, Status cards, census data and other data collection.
 - iii Increase precision in data collection to recognize and capture the diversity of 2SLGBTQQIA communities: for example, the experiences of Two-Spirit women/lesbians, and differentiations between Two-Spirit and trans-identified individuals and between trans-masculine and trans-feminine experiences.
- 18.5 We call upon all governments and service providers to ensure that all programs and services have 2SLGBTQQIA front-line staff and management, that 2SLGBTQQIA people are provided with culturally specific support services, and that programs and spaces are co-designed to meet the needs of 2SLGBTQQIA clients in their communities.
- 18.6 We call upon all governments and service providers to fund and support youth programs, including mentorship, leadership, and support services that are broadly accessible and reach out to 2SLGBTQQIA individuals.
- 18.7 We call upon all governments and service providers to increase support for existing successful grassroots initiatives, including consistent core funding.
- 18.8 We call upon all governments and service providers to support networking and community building for 2SLGBTQQIA people who may be living in different urban centres (and rural and remote areas), and to increase opportunities for 2SLGBTQQIA networking, collaboration, and peer support through a national organization, regional organizations, advocacy body, and/or a task force dedicated to advancing action to support the well-being of Indigenous 2SLGBTQQIA persons in Canada.
- 18.9 We call upon First Nations, Métis, and Inuit leadership and advocacy bodies to equitably include 2SLGBTQQIA people, and for national Indigenous organizations to have a 2SLGBTQQIA council or similar initiative.
- 18.10 We call upon all governments and service providers to provide safe and dedicated ceremony and cultural places and spaces for 2SLGBTQQIA youth and adults, and to advocate for 2SLGBTQQIA inclusion in all cultural spaces and ceremonies. These 2SLGBTQQIA-inclusive spaces must be visibly indicated as appropriate.

- 18.11 We call upon all governments, service providers, industry, and institutions to accommodate non-binary gender identities in program and service design, and offer gender-neutral washrooms and change rooms in facilities.
- 18.12 We call upon all police services to better investigate crimes against 2SLGBTQQA people, and ensure accountability for investigations and handling of cases involving 2SLGBTQQA people.
- 18.13 We call upon all police services to engage in education regarding 2SLGBTQQA people and experiences to address discrimination, especially homophobia and transphobia, in policing.
- 18.14 We call upon all police services to take appropriate steps to ensure the safety of 2SLGBTQQA people in the sex industry.
- 18.15 We call upon all governments, educators, and those involved in research to support and conduct research and knowledge gathering on pre-colonial knowledge and teachings about the place, roles, and responsibilities of 2SLGBTQQA people within their respective communities, to support belonging, safety, and well-being.
- 18.16 We call upon all governments and educators to fund and support specific Knowledge Keeper gatherings on the topic of reclaiming and re-establishing space and community for 2SLGBTQQA people.
- 18.17 We call upon all governments, service providers, and educators to fund and support the re-education of communities and individuals who have learned to reject 2SLGBTQQA people, or who deny their important history and contemporary place within communities and in ceremony, and to address transphobia and homophobia in communities (for example, with anti-transphobia and anti-homophobia programs), to ensure cultural access for 2SLGBTQQA people.
- 18.18 We call upon all governments and service providers to educate service providers on the realities of 2SLGBTQQA people and their distinctive needs, and to provide mandatory cultural competency training for all social service providers, including Indigenous studies, cultural awareness training, trauma-informed care, anti-oppression training, and training on 2SLGBTQQA inclusion within an Indigenous context (including an understanding of 2SLGBTQQA identities and Indigenous understandings of gender and sexual orientation). 2SLGBTQQA people must be involved in the design and delivery of this training.
- 18.19 We call upon all governments, service providers, and educators to educate the public on the history of non-gender binary people in Indigenous societies, and to use media, including social media, as a way to build awareness and understanding of 2SLGBTQQA issues.

- 18.20 We call upon provincial and territorial governments and schools to ensure that students are educated about gender and sexual identity, including 2SLGBTQQIA identities, in schools.
- 18.21 We call upon federal and provincial correctional services to engage in campaigns to build awareness of the dangers of misgendering in correctional systems and facilities and to ensure that the rights of trans people are protected.
- 18.22 We call upon federal and provincial correctional services to provide dedicated 2SLGBTQQIA support services and cultural supports.
- 18.23 We call upon coroners and others involved in the investigation of missing and murdered Indigenous trans-identified individuals and individuals with non-binary gender identities to use gender-neutral or non-binary options, such as an X-marker, for coroners' reports and for reporting information related to the crimes, as appropriate.
- 18.24 We call upon all governments to address homelessness, poverty, and other socio-economic barriers to equitable and substantive rights for 2SLGBTQQIA people.
- 18.25 We call upon all governments to build safe spaces for people who need help and who are homeless, or at risk of becoming homeless, which includes access to safe, dedicated 2SLGBTQQIA shelters and housing, dedicated beds in shelters for trans and non-binary individuals, and 2SLGBTQQIA-specific support services for 2SLGBTQQIA individuals in housing and shelter spaces.
- 18.26 We call upon health service providers to educate their members about the realities and needs of 2SLGBTQQIA people, and to recognize substantive human rights dimensions to health services for 2SLGBTQQIA people.
- 18.27 We call upon health service providers to provide mental health supports for 2SLGBTQQIA people, including wraparound services that take into account particular barriers to safety for 2SLGBTQQIA people.
- 18.28 We call upon all governments to fund and support, and service providers to deliver, expanded, dedicated health services for 2SLGBTQQIA individuals including health centres, substance use treatment programs, and mental health services and resources.
- 18.29 We call upon all governments and health service providers to create roles for Indigenous care workers who would hold the same authority as community mental health nurses and social workers in terms of advocating for 2SLGBTQQIA clients and testifying in court as recognized professionals.
- 18.30 We call upon federal, provincial, and territorial governments and health service providers to reduce wait times for sex-reassignment surgery.

- 18.31 We call upon all governments and health service providers to provide education for youth about 2SLGBTQIA health.
- 18.32 We call upon child welfare agencies to engage in education regarding the realities and perspectives of 2SLGBTQIA youth; to provide 2SLGBTQIA competency training to parents and caregivers, especially to parents of trans children and in communities outside of urban centres; and to engage in and provide education for parents, foster families, and other youth service providers regarding the particular barriers to safety for 2SLGBTQIA youth.

1 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Interim Report*.

2 Ibid.

3 Canadian Human Rights Commission, "Submission by the Canadian Human Rights Commission to the Government of Canada Pre-Inquiry Design Process."

4 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Interim Report*, 22.

5 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Interim Report*.

6 Ibid.

7 Available at <https://fncaringsociety.com/spirit-bear-plan>

An Acknowledgement of All Those Who Shared Their Truth

We acknowledge all of the family members, survivors, Elders, Knowledge Keepers, experts and institutional witnesses who shared their truth with the National Inquiry. This list includes all public witnesses who shared in the Truth-Gathering Process, named below. Some names may appear more than once if they shared in multiple formats.

While we can't name the many people whose statements will not be released to the public, we pay tribute to them as well.

To everyone, thank you.

Whitehorse, Yukon – Part 1 Community Hearing

Allan

Ann M. R.

Ann S.

Annette E.

Bella B.

Bryan J.

Cathy D.

Cecilia G.

Cindy A.

Crystal B.

Darla-Jean L.

Dennis S.

Diane L.

Dorothy H.

Edna D.

Florence W.

Frances N.

Gina G.

Greta J.

Hammond D.

Heather A.

Ivan B.

Jane A. C.

Joan J.

Joy O.

Lloyd C.

Logan B.

Lorraine D.

Marilyn S.

Mary C.

May B.

Norman D.

Pamela B.

Shaun L.

Starr D.

Terri S.

Terry L.

Toni B.

Tracy C.

William C.

Yvonne S.

**Smithers, British Columbia
– Part 1 Community
Hearing**

Agnes C.
Alyson Guno [panellist]
Annalee Parker [panellist]
Autumn Vinson [panellist]
Christine Derrick [panellist]
Christopher Spencer
[panellist]
Claudia W.
Craig Edes [panellist]
Elijah Stephens [panellist]
Garry K.
Gladys R.
Greg M.
Herbert W.
Jocelyn K.
Larry Derrick [panellist]
Laura M.
Linda Spencer [panellist]
Lorna B.
Lucy S.
Madison Seymour [panellist]
Marlene J.
Megan Christiansen
[panellist]
Melynee McDames [panellist]
Bilts'ik Colleen Austin
[panellist]
Norman W.
Rachelle W.
Rhonda L. M.

Rita M.
Chief Roddy S.
Shari M.
Stephanie R.
Ted M.
Tom C.
Travis Hebert [panellist]
Vicki H.
Violet S.
Chief Vivian T.
Winnie S.

**Winnipeg, Manitoba – Part 1
Community Hearing**

Alaya M.
Alexis
Barbara H.
Bernadette S.
Bernice C.
Betty R.
Cecil J.
Cheryl A.
Courtney B.
Darlene C.
Earl M.
Elora S.
Erin H.
Fallon F.
Forrest F.
Gerri P.
Gertrude F.
Grace C.

Isabel W.
Jade F.
Jenny L.
Joan W.
Justine S.
Ken B.
Kim M.
Leah Gazan [panellist]
Leona Starr [panellist]
Lisa H.
Lorna S.
Marie A. B.
Mary S.
Matthew W.
Melissa C.
Mike R.
Pierre D.
Rachel W.
Rachel W.
Sharon H.
Sharon J.
Sheryl M.
Sonny P.
Stephanie D.
Sue C.
Tamara S.
Tim H.
Vernon M.
Wilfred C.
Willie S.

**Membertou, Nova Scotia –
Part 1 Community Hearing**

Agnes G.
Audrey S.
Becky M.
Candice S.
Cheryl M.
Clayton S.
Darlene G.
Delilah S.
Deveron P.
Francis P.
Georgina D.
Joe M.
Marie P.
Miriam S.
Monique F. H.
Natalie G.
Paula S.
Rebecca M.
Robert P. Jr.
Robert P. Sr.
Vanessa B.

**Edmonton, Alberta – Part 1
Community Hearing**

Adele W.
Adrienne B.
Arlene P.
Berna B.
Brenda St. S.
Carol B.

Connie F.
Danette P. C.
Daniel P.
Edward L.
Elaine D.
Gail K. L.
Gayle G.
Henry F.
Joanne A.
Joyce E.
Judy C.
Keanu G.
Lance F.
Lane F.
Lorna M.
Marilyn B.
Mary F.
Melanie D.
Muriel W.
Nancy C.
Nicole W.
Paul T.
Ricki M.
Roxanne R.
Sharon P.
Stephanie H.
Vanessa C.
Virginia L.-H.
Wilbert A.

**Saskatoon, Saskatchewan –
Part 1 Community Hearing**

Barbara B.
Brenda F.
Brenda O.
Carol W.
Connie L.
Conrad B.
Crystal F.
Danielle E.
Debbie G.
Delores S.
Dionne D.
Doreen W.
Dorthea S.
Eva P.
Everett S.
Gord S.
Gwenda Y.
Josephine L.
Lance S.
Laura A.
Leslie K.
Leslie M.
Lillian P.
Linda Y.
Lynda J-S.
Margaret D.
Marilyn W.
Mary L.
Maxine G.
Mona W.

Myrna L.
Nahanni O.
Percy P.
Pernell B.
Raylene K.
Shayleen G.
Sheila K.
Sheila L.
Shirley H.
Sonia B.
Trent D.

**Maliotenam, Quebec – Part 1
Community Hearing**

Agnes P.
Alice L. T.
Alma M.
Ambroise M.
Anastasia N.
Andrée V.
Armand E.
Caroline E.
Charles M.
Christine L.
Déborah E.
Denise F.
Edmond J.
Elizabeth M.
Germaine M.
Gilberte V.
Gloria S.
Jeanne d’Arc V.

Jeannette P.
Jenny R.
Jérôme M.
Lise J.
Lucie S.
Mary M.
Noëlla M.
Rachel M.
Simone B.
Sylvanne B.
Thérèse L.
Viviane E.
Yvette B.

**Thunder Bay, Ontario –
Part 1 Community Hearing**

Anita R.
Bonnie S.
Candace P.
Carol Q.
Charlotte M.
Chief Connie M.
Chief Janice H.
Cee Jai J.
Crystal D.
Diane G.
Glenda S.
Ina C.
James H.
Jody K.
Lillian S.
Mary N.

Mary S.
Melissa S.
Micah H.
Raven K.
Rhoda J.
Stewart H.
Vicki L.

**Yellowknife, Northwest
Territories – Part 1
Community Hearing**

Angie S.
Candice M.
Cindi-Rae H.
Cindy A.
Dean M.
Esther S.
Freda C.
Gail C.
Geraldine S.
Grace S.
Irene F.
Jaclyn (Jayda) A.
James N. J.
John L.
Kathy M.
Lesa S.
Noeline V.
Roxane L.
Ruby F.
Sandra F. L.
Violet S.

**Moncton, New Brunswick –
Part 1 Community Hearing**

Allan Sabattis-Atwin
[panellist]
Barbara B.
Chelsea Jadis [panellist]
Deanna B.
Dr. Judy Clark [panellist]
Elder Imelda Perley
Opolahsomuwehs [panellist]
Elder Miigam’agan [panellist]
Fred F.
Kindra B.
Leona Simon [panellist]
Madison Donovan [panellist]
Pamela F.

**Rankin Inlet, Nunavut –
Part 1 Community Hearing**

Arsene A.
Bernadette K.
Danielle C.
David R.
Emilia A.
Jayko L.
Jeannie A.-Q.
Killaq E.-S.
Janet B.
Laura M.
Martha A. U.
Micah A.
Nikki K.

Sophie N.
Susan E.

**Happy Valley-Goose Bay,
Newfoundland and
Labrador – Part 1
Community Hearing**

Amena E. H.
Benigna A. I.
Charlotte W.
Dionne W.-Y.
Gordon O.
Harriet (Rutie) L.
Johannes Lampe
Kim C-M.
Silpa O.
Sylvia M.

**Montreal, Quebec – Part 1
Community Hearing**

Adrienne A.
Angela G.
Angèle P.
Annette D.
Annie Arnatuk [panellist]
Anthony G.
Antoinette F.
Barbara S.
Beatrice R. T.
Bessie C. B.
Françoise R.
Carol D.

Catherine A.
Cheryl M.
Daniel P.
Delima F.
Denise P-M.
Desneiges P.
Érica B.
Florence D.
Francine D.
Francine F.
Jacqueline F. O.
Jean-Marc Q.
Jeannie C.
Jeannie C.
Karen Baker-Anderson
[panellist]
Kirby B.
Lizzie Aloupa [panellist]
Lizzie C.
Lucie D.
Lucie Q.
Manon O.
Marie-Jeanne B.
Marie-Louise A.
Mary Thomassie [panellist]
Mary-Annie B.
Maurice K.
Nathalie H.
Olivier G.
Rebecca Jones [panellist]
Reepa Evic-Carleton
[panellist]

Sarah B.
Sarah N.
Silas B.
Theresa “Tess” L.

**Thompson, Manitoba –
Part 1 Community Hearing**

Arla T.
Carol W.
Christine M.
Dennis A.
Fred S.
Helen B.
Hilda A. P.
Janet L.
Keith A.
Lianna A.
Lillian C.
Mark T.
Melvin A.
Minnie A.
Rita T.
Susan C.

**Vancouver, British
Columbia – Part 1
Community Hearing**

Althea W.
Angela L.
Anni P.
Anthony S.
Archie P.

Ashley S.
Audrey S.
Benedict P.
Bernie W.
Blu W.
Bonnie F.
Candice C. S.
Carla M.
Catherine M.
Cheylene Moon [panellist]
Chief Judy W.
Chief Marilyn Slett [panellist]
Claude M.
Cora M.
Cynthia C.
Danielle S.
Dawn G.
Delilah P.
Dorothy P.
Elizabeth M. W.
Erin Pavan [panellist]
Evelyn Y.
Fialka Jack [panellist]
Floyd P.
Gertrude P.
Gladys R.
Grace T.
Halie B.
Jacquita W.
Jamie L. H.
Jamie Lee Hamilton [panellist]

Jason P.
Joann Green [panellist]
Johanne B.
Joni M. G.
Juanita D.
Verna W.
Karen C.
Kelli L.
Kim R.
Leona Humchitt [panellist]
Leonard G.
Lillian H.
Linda L.
Lisa B. J.
Lisa J. R.
Lori D.
Lorna B.
Maggy (Margaret) G.
Marge H.
Mark Handley [panellist]
Mary A. W.
Mavis Windsor [panellist]
Melodie C.
Millie P.
Minnie K.
Mona S.
Moses M.
Myrna A.
Nancy W.
Nicole D. B.
Patrick S.

Rande C.
Robert C.
Robin R.
Roxana W.
Samantha P.
Seth L.
Shae-Lynn Noskye [panellist]
Shelley J.
Shelley O. L.
Stephanie R.
Trevor J.
Trudy S.
Vicki L.
Victor L.
Viola Thomas [panellist]

**Winnipeg, Manitoba –
Part 3 Expert & Knowledge
Keeper Hearing: “Indige-
nous Laws & Decolonizing
Practices/Perspectives”**

Dawnis Kennedy
(Minnawaanigogizhigok)
Dr. Hadley Friedland
Karen Drake
Elder Kunuk Muckpulook
Sandra Omik
Tuma Young
Dr. Val Napoleon

**Quebec City, Quebec –
Part 3 Expert & Knowledge
Keeper Hearing: “Human
Rights Framework”**

Corey O'Soup
Brenda Gunn
Dr. Dalee Sambo Dorough
Fay Blaney
Jean Leclair
Naiomi Metallic
Timothy Argetsinger
Tracy Denniston

**Calgary, Alberta – Part 2
Institutional Hearing:
“Government Services”**

Betty Ann Pottruff
Christine Dumaine
Jackie Anderson
John Phelps
Josie Nepinak
Leanne Gardiner
Naomi Giff-McKinnon
Nakuset
Sandra Montour
Dr. Valérie Gideon

**Toronto, Ontario –
Part 3 Expert & Knowledge
Keeper Hearing: “Racism”**

Albert McLeod
Amy Hudson
Dr. Barry Lavallee
Dr. Cindy Blackstock
Fallon Andy
Farida Deif
Jesse Went
Sylvia Moore
Tanya Talaga

**Regina, Saskatchewan –
Part 2 Institutional
Hearing: “Police Policies &
Practices”**

Detective Constable Alana
Morrison
Deputy Commissioner Brenda
Butterworth-Carr
Commissioner Brenda Lucki
Retired Chief Clive Weighill
Daniel Bellegarde
Sergeant Dee Stewart
Chief Jean-Pierre Larose
Jean Vicaire
Chief Superintendent Mark
Pritchard
Captaine Paul Charbonneau
Richard Coleman
Yvonne Niego

Iqaluit, Nunavut – Mixed Parts 2 & 3 Institutional & Expert/Knowledge Keeper Hearing: “Colonial Violence”

Elder Elisapi Davidee
Aningmiuq

Hagar Idlout-Sudlovenick

Inukshuk Aksalnik

Dr. Janet Smylie

Jasmine Redfern

Jeffrey McNeil-Seymour

T.J. Lightfoot

Quebec City, Quebec – Mixed Parts 2 & 3 Institutional & Expert/Knowledge Keeper Hearing: “Criminal Justice Oversight & Accountability”

Connie Greyeyes

Diane Sere

Ellen Gabriel

Jacqueline Hansen

Kassandra Churcher

The Honourable Kim Beaudin

Mike Metatawabin

Patricia Tate

Renée Brassard

Savannah Gentile

Chief Terry Armstrong

Winnipeg, Manitoba – Mixed Parts 2 & 3 Institutional & Expert/Knowledge Keeper Hearing: “Child & Family Welfare”

Dr. Allan Wade

Dr. Amy Bombay

Dr. Cindy Blackstock

Cora Morgan

Dr. Mary Ellen Turpel-Lafond

Sarah Clark

Susan Aglukark

St. John’s, Newfoundland and Labrador – Mixed Parts 2 & 3 Institutional & Expert/Knowledge Keeper Hearing: “Sexual Exploitation, Human Trafficking & Sexual Assault”

Chief Danny Smyth

Staff Sergeant Darryl Ramkissoon

Diane Redsky

Jennisha Wilson

Assistant Commissioner

Joanne Crampton

Chief Joe Boland

Assistant Deputy Attorney

General Juanita Dobson

Lanna Moon Perrin

Mary Fearon

Mealina Sheutiapik

Dr. Pertice Moffitt

Dr. Robyn Bourgeois

Rachel Willan

Inspector Tina Chalk

Statements

The witnesses listed below have chosen to share their statement publicly, either under their own name, a pseudonym or their initials. However, this list is not yet complete. This is because the National Inquiry works with each family member or survivor to determine the level of confidentiality their statement requires, as well as to ensure it complies with other legal requirements. This review process was still ongoing by the time the *Final Report* went to press.

To access all of the truths shared publicly through the statement-gathering process, please visit our website at www.mmiwg-ffada.ca.

“A.B.”	Barb C.	Catherine M.
“A.B.”	Barb L.	Catherine M.
“April”	Bear T.	Catherine A. M.
“Betty J.”	Bernard A.	Cathy C.
“Jade”	Bernice K.	Cathy W.
“Kohkom”	Blade F.	Cecilia B.
“Mother Bear”	Bobbie J.	Chantal H.
“Sister 1”	Bobby M.	Chantell S.
“Woman from Dakelh Nation”	Bonnie P.	Charles P.
A.F.	Brenda B.	Charlotte J.
Aggie M.	Brenda G.	Chelsea J.
Alaiyne C.	Brenda W.	Cheryl A. J.
Alexander S.	Brenda W.	Christine C.
Alisha R.	Brent B.	Chrystal S.
Amber K.	Brent C.	Cindy H.
Ann L.	Brett M.	Coreen A.
Ann S.	Bridget P.	Cori K.
Anne-Marie A.	Byron M.	Crystal S.
Archie P.	Candice N.	Dana F.
Ashley J.	Carol M.	Daniel A.
Audrey S.	Caroline B.	
B.W.	Caroline S.-O.	

Daniel B.	Eleanor K.	Jacalyn S.
Danielle B.	Elijah B.	Jacqualene W.
Danielle S.-O.	Elizabeth B.	Jacqueline A.
Danny P.	Ellen B.	James W.
Darlene S.	Emily P.	Jamie H.
David C.	Evelyn C.	Janet T.
Deana B.	Ezekial B.	Janice A.
Deanna J.	Falina C.	Jaylene D.
Deanna S.	Fay B.	Jeanette G.
Debra P.	Francis M.	Jenna B.
Dennis L.	Freda C.	Jennie B.
Desiree W.	Freda H.	Jennifer G.
Destiny G.	Gary D.	Jennifer H.
Dianne B.	Gary M.	Jennifer S.
Dominic C.	Gary O.	Jennifer S.
Donalee S.	George D.	Jennifer T.
Donna C.	Gloria L.	Jeremiah B.
Doris F.	Gloria O.	Jerry G.
Doris G.	Gloria S.	Jimmy T.
Dorothy S.	Gwen W.	Joachim B.
Duncan F. G.	Harold R.	Joan B.
E.M.	Hazel B. R.	Jocelyn W.
Edmund S.	Hazel M.	John S.
Edna H.	Henrietta I.	Jones O.
Elaine A.	Herman N.	Judy F.
Elaine B. D.	Ida B.	Julie Ann A.
Elaine R.	Irene Q.	June B.

Karen B.-B.	Madeleine D. E.	Natasha A.
Karen E.	Madison C.	Nicole A.
Karen K.	Maggie M. G.	Nina J.
Karin S.	Maggie H.	Norma J.
Karissa J.	Margaret S.	Norma J.
Kathy A.	Margaret V. H.	Pam W.
Kathy K.	Marge H.	Patsy C.
Kenneth T.	Margie A.	Paula M.
Kerrigan F.	Maria S.	Paula P.
Kristal G.	Marie M.	Pearlene B.
Laura L.	Marie-Jeanne A.	Peter B.
Laurence M.	Marie-Louise N.	Peter B.
Laurie B.	Marilou S.	Peter Q.
Lawrence B.	Martha M.	Phoebe S.
Leesee K.	Mary C.	Phyllis R.
Leona W.	Mary Jane K.	Phyllis R.
Lillian C.	Matilda W.	Pierre-Paul N.
Lillian H.	Maura G.	R.P.
Lina G.	Melanie M.	Rachel E.
Linda M.	Michael W.	Rejeanne W.
Lionel C.	Michele B.	Rhea F.
Lizz N.	Michele G.	Ruth M.
Loretta P. L.	Michelle R.	S.A.
Lornie B.	Muriel C.	S.M.
Lorraine S.	N.A.	Sadie C.
Lucy G.	Nancy B.	Sara H.
Mabel J.	Nancy G.	Sarah A.

Sarah N.	Sue C.	Valentino P.
Shara L.	Sylvia G.	Veronica M.
Sharna S.	Tama H.	Véronique A.
Sharon J.	Tammy B.	Vicki H.
Sharon L. P.	Terrell D.	Vicky L.
Sheena J.	Terri S.	Vince M.
Shirley C.	Terriea W.	Vincent J.
Shirley T.	Thelma F.	Virginia C.
Siasi A.	Therese M.	Vivian B.
Sim'oogit Hay'maas Chester M.	Thérèse N.	Wendy L.-L.
Sonia B.	Thomas S.	Wendy R.
Sophia B.	Thomas S.	William F.
Stephanie S.	Tom M. B.	Yvan P.
Steven A.	Toni C.	
	V.P.	

Legacy Archives

This list includes everyone who publicly donated an artistic expression to the National Inquiry's Legacy Archive.

Adele E. Waskewitch	Ben Napoleon Richard	Calvin Marcellous Dawson
Adele Siobhan Keyes	Beverley Susan Beckley	Cheryl L. Wadhams
Agnes Poker	Billie Jeanne Lynn Sinclair	Chris Scott
Aileen Marian Norton Swift	Brandi Leigh Price	Christine Lily Baker
Andrea Denise Menard	Brandon Claire Sebastian Poitras	Dee-Jay Monika Rumbolt
Anne Anderson	Brigitte André	Don Weitz
Annie Grace Ross	Calvin Kieran Bruce	Edith Darlene Clarke
Audrey Siegl	Charlie-Dawson	Elaine Margaret Bomberry

Erika Liisa-Irene Richard	Lorelei Sharon Williams	Pavel Desjarlais
Garth Oliver Bowen	Lorraine Frederica Richard	Racelle Lillian Koay
George Frederick Connell	Louis-Georges Fontaine	Rory Dawson
Geraldine (Gerri) Sharpe	Louise Imbeault	Samantha Pelkey
Grégoire Canapé	Lydia Lee Ann Marie Dawson	Shawnee Bernadette Monchalin
Harriet Lillian Prince	Marcelline Blacksmith	Sheree Elaine Shiyehno
Hermina Joldersma	Maranada Roseanne Johnson	Shevonne Hall
Ina Betty George	Mari Charlie	Susan Elaine Ouriou
Irvin J. Waskewitch	Marie Louise Mark	Susan Marie Weber
Jacqueline Marie Maurice	Melannie Belly	Tevin Sage Meetoos
Jason Tulugak Daniel Sikoak	Melissa Danielle Cook	Toni Lemaigre
Jean St. Onge	Mélissa Picard	Valerie A. Davidson
Jeannette Vollant	Melodie Casella	Vern
Jeannette Vollant	Mikhayla Myrtie Patterson	Véronique André
Jessica Przeszlo	Muskosis Lonny Victor Morin	Vince Fontaine
Juanita Desjarlais	Murray Steven Porter	Yvette Bellefleur
Kahlan Liberty Hanuse	My linda Lucille Gislason	Yvonne Marie Chartrand
Kathleen Nisbet	Nadzin Yvette-Marie DeGagné	
KyeOwna Marie Miller	Nicole Carpenter	
Latisha Adriane Tori Wadhams	Ovide Robert Caribou	

Summary of Forensic Document Review Project

Introduction and Overview

Overwhelmingly, the families who testified before the National Inquiry were seeking answers to perceived flaws in the investigations into the loss of their loved ones. They discussed many ways, documented throughout Chapter 8, in which they felt that police services had failed in their duty to properly investigate the crimes committed against them or their loved ones, leading ultimately to a failure to obtain closure and justice within the existing system.

In response, the National Inquiry established the Forensic Document Review Project (FDRP), consisting of two teams conducting a review of police and other related institutional files. One team examined files of the Province of Quebec; the second group examined police files in all other provinces and territories throughout the rest of Canada. In this summary, when we refer to the FDRP, we are referring specifically to this second group. Information and recommendations of the Quebec FDRP are located in the Supplementary Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls devoted to Quebec. The purpose of the FDRP was to identify potential systemic barriers or problems and areas of weakness relating to the protection of Indigenous women, girls, and 2SLGBTQQIA people, and to make recommendations to the National Inquiry into Missing and Murdered Indigenous Women and Girls about the systemic causes of their disappearances and deaths.

During the course of the project, the Forensic Document Review Project (FDRP), which was tasked with examining files outside of Quebec, obtained and reviewed 174 files and 35 previous reports and studies on policing related to Indigenous women, girls, and 2SLGBTQQIA people, and analyzed publicly available information related to those files.

Overall, the FDRP review includes:

28	Police Forces Subpoenaed by the FDRP
30	Subpoenas Issued
35	Reports Reviewed
174	Files Obtained and Analyzed, consisting of:
	• 136,834 Documents
	• 593,921 Pages

Over the course of its review, the FDRP identified the following significant issues:

1. There is no reliable estimate of the numbers of missing and murdered Indigenous women, girls, and 2SLGBTQQIA persons in Canada.
2. The two Royal Canadian Mounted Police (RCMP) reports dated 2014 and 2015 on missing and murdered Indigenous women and girls identify narrow and incomplete causes of homicides of Indigenous women and girls in Canada.
3. The often-cited statistic that Indigenous men are responsible for 70% of murders of Indigenous women and girls is not factually based.
4. Virtually no information was found with respect to either the numbers or causes of missing and murdered Métis and Inuit women and girls and Indigenous 2SLGBTQQIA persons.
5. Indigenous communities, particularly in remote areas, are under-prioritized and under-resourced.
6. There is a lack of communication to families and Indigenous communities by police services and a lack of trust of the police by Indigenous communities.
7. There continues to be a lack of communication with and coordination between the police and other service agencies.
8. Deaths and disappearances of Indigenous women, girls, and 2SLGBTQQIA people are marked by indifference. Specifically, prejudice, stereotypes, and inaccurate beliefs and attitudes about Indigenous women, girls, and 2SLGBTQQIA persons negatively influence police investigations, and therefore death and disappearances are investigated and treated differently from other cases.

This summary has four parts. Part 1 sets out the mandate of the FDRP and the relevant legal framework within which the FDRP was created and conducted its work. Part 2 details the processes of the FDRP, including some of the challenges and issues faced by the Forensic Document Review Project. Part 3 of this report discusses what the review has learned. Part 4 sets out the Recommendations of the FDRP.

Part I

The Mandate and Framework of the FDRP

The Mandate of the FDRP

The FDRP was established by the Commissioners of the National Inquiry pursuant to section 11(1) of the federal *Inquiries Act*. The FDRP was given a mandate by the Commissioners of the National Inquiry to:

1. identify potential systemic barriers or problems and areas of weakness relating to the protection of Indigenous women, girls, and 2SLGBTQQIA individuals; and
2. make recommendations about the systemic causes of the disappearances and deaths of Indigenous women, girls, and 2SLGBTQQIA individuals and acts of violence against them.¹

The FDRP conducted a forensic review of police and related institutional files and reviewed the reports of previous inquiries and publicly available research on the issue of policing related to Indigenous women, girls, and 2SLGBTQQIA people.

Members of the Forensic Document Review Project – National

Under the supervision of the National Inquiry's Director of Research, Dr. Karine Duhamel, the national teams consist of:

Steven Kelliher – Team Lead, Counsel
 Leah Mack – Deputy Team Lead
 Declan Redman – Counsel and Researcher
 William MacDonald – Investigator

In addition to these members, the National Inquiry's research teams and the team at MT>3, a division of McCarthy Tétrault, has been crucial to the FDRP's work. Some members of the National Family Advisory Circle and the Grandmothers of the Commissioners' Grandmothers Circle also played an advisory role alongside the FDRP to provide input into the process. The Quebec Forensic Document Review Project cooperated closely with the National team members to align methodology and best utilize resources. The work of the Quebec FDRP is documented alongside their findings, as part of the Quebec-specific report.

The Framework of the FDRP

Commissioners of the National Inquiry have investigative authority and coercive powers to compel information and subpoena documents in all jurisdictions in Canada; any documents that were received by the National Inquiry and reviewed by the FDRP were obtained under this authority. In the course of its work, the FDRP exercised a considerable degree of operational independence.

The law that applied to the FDRP is complex and multijurisdictional, and includes the following:

- federal, provincial, and territorial public inquiries legislation
- the common law
- the federal Terms of Reference for the National Inquiry, as well as the various regional Orders-in-Council
- the National Inquiry’s own Rules: *The Legal Path: Rules of Respectful Practice for the National Inquiry into Missing and Murdered Indigenous Women and Girls* (Legal Path)

To ensure that the sensitive information contained within the police and institutional files subpoenaed by the FDRP would remain strictly confidential, the National Inquiry amended the Legal Path, set out in Rule 49.1.² Undertaking to keeping information confidential was a rule specifically established to avoid and overcome claims of public interest privilege and to be able to have access to open files. The FDRP knew from the beginning that unless it committed to a confidential process, it would never get open files, and, since cases are never really “closed,” all unsolved murdered and missing persons’ cases would never be accessible to investigators. Under this rule, the National Inquiry and the FDRP are obligated to ensure that all information contained in the police and other institutional files produced for this project is kept strictly confidential. The FDRP committed to using the information contained in the police files only for the purpose of the FDRP and making recommendations to Commissioners. The FDRP and the National Inquiry are also prohibited from interfering in ongoing investigations, adding to the rationale for Rule 49.1.

It is significant that the Government of Canada applies two basic security categories to the contents of documents: “Classified” and “Protected.” Within the Protected category is Protected “A,” “B,” and “C” information,³ depending on the degree of sensitivity of the information and the risk of injury that disclosure of the information could cause to an individual or organization. Classified information is information that, if released, could cause injury to Canada as a country.⁴ For the most part, the FDRP received information that could reasonably be classified as Protected B or C information.

For these reasons, this summary does not make specific reference to any of the confidential information obtained for the purpose of the FDRP. Nonetheless, issues identified and recommendations of the FDRP in this report are based on all of the information that the FDRP obtained and analyzed, including information that the FDRP is required to keep confidential.⁵ The FDRP has a Transparency Statement that briefly sets out its mandate, explaining what the FDRP can and cannot do as part of its review.⁶

The work of the FDRP included the following:

1. Make specific recommendations about systemic problems, barriers, and weaknesses in investigations of:
 - a) reports of missing persons;
 - b) suspicious deaths;
 - c) implausible deaths; and,
 - d) acts of violence against Indigenous women, girls, and 2SLGBTQQIA persons.
2. Make specific recommendations about systemic problems, barriers, and weaknesses with a view to improve coroner practices; police investigations; missing person searches; prosecutions; and outcomes and relations among police, prosecutors, and coroners and families, survivors, and their communities.
3. Assist in identifying, reviewing, and making recommendations to Commissioners in accordance with terms (r.) and (s.) of the federal Terms of Reference to refer information that the National Inquiry received in the course of its investigation that may be used in an investigation or prosecution under the *Criminal Code* or that may relate to misconduct.

The scope of what the FDRP could do and could not do stems from the authority granted to the Commissioners in law and based on the mandate they received. The following is the list of what the FDRP could not do:

1. Disclose publicly any information obtained by the FDRP, except in accordance with the *Legal Path: Rules of Respectful Practice* or as required by law.
2. Examine the exercise of prosecutorial discretion by Crown counsel.
3. Make specific findings of misconduct in respect to any identifiable person or organization.
4. Reinvestigate police investigations.
5. Express conclusions or recommendations about the possible civil or criminal liability of any person or organization.

Part II

The Process of the FDRP

The Creation of the FDRP

The FDRP began its work in March 2018. At first, the nature of the work that could initially be undertaken was limited until all members of the team were formally retained and had obtained the required security clearances from the Privy Council Office.⁷ The first six and a half months of the FDRP's work were devoted principally to setting up the work of the FDRP and developing the framework that would guide the work of the FDRP.

The Framework

The framework that would ultimately guide the work of the FDRP involved a number of significant tasks, designed to guide both the substantive work of the FDRP and the process to be undertaken. An overall methodological framework for the work of the FDRP falls into three categories:

- (i) the process for selecting and obtaining the files;
- (ii) the methodology for the analysis of the files;
- (iii) the time frame and process for producing a report, setting out significant issues it has identified.

Revising the FDRP Action Plan in Light of the Six-Month Extension of the National Inquiry's Mandate

As the Commissioners set out in their extension request letter dated March 6, 2018, to the Honourable Carolyn Bennett, by early March 2018, work had begun to create the FDRP, but the substantive work of the team was not yet underway. Without an extension, the Commissioners wrote, they feared the number of files the FDRP would be able to review would be limited.

While the federal government ultimately granted a short extension to the mandate of the National Inquiry by six months until the end of June 2019, the number of files that could be obtained and the extent of analysis that could be undertaken on the files that were obtained were restricted by our inability to subpoena documents or testimony past December 31, 2018 – a fact that would have been well understood by the government and police forces within the context of the decision not to extend the National Inquiry's mandate. The National Inquiry's ability to resolve police objections to the production of documents for the FDRP would be significantly impeded and the scope of work would not be as comprehensive as it had initially hoped.

Selecting the Files

The National Inquiry, as part of its investigative function and prior to the establishment of the FDRP, had issued subpoenas seeking the production of documents, which included specific police files and other institutional files as well as various policy and training manuals, operational directives, and other relevant documents from police forces and other government agencies.

The document management firm of MT>3 was retained by the National Inquiry to manage the electronic handling and storage of information in a Ringtail database.⁸ Documents subpoenaed by the National Inquiry were provided in a secure manner directly to MT>3's offices in Toronto.⁹ There, MT>3 scanned, indexed, and coded the documents using a specialized team of lawyers and staff. The Ringtail database provided a secure, confidential electronic location for the storage and management of the police files and other documents subpoenaed by the National Inquiry.

The FDRP selected only files for review that related to families or survivors who engaged with or registered with the National Inquiry as part of its Community Hearings and Statement Gathering events. The Commissioners, Commission counsel, and staff also referred files based on evidence and hearings. The FDRP had lists of cases of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people created by some police forces that were shared with the National Inquiry. The large public and private record created in the Truth-Gathering Process also meant that the FDRP could rely on the testimony shared with the National Inquiry.

Together with MT>3, the FDRP reconciled all of this information in order to determine the names of the victims in respect of whom files could be sought. Often it was necessary to make a determination, based on the testimony provided to the National Inquiry by a family member or loved one, as to which police force had jurisdiction of a death or disappearance.

Obtaining the Files

Issuing the Subpoenas

It is important to note that in addition to reviewing files subpoenaed directly for the FDRP, the teams also reviewed police files that had been provided in response to prior subpoenas issued by the National Inquiry.

In total, between September 20, 2018, and December 31, 2018, the National Inquiry issued 30 subpoenas specifically for the FDRP to 28 police forces across Canada, seeking a total of 479 files. For a variety of reasons – for example, the age of the file, lack of identifying information, or public interest privilege claims – and due to the time constraints, the National Inquiry was not able to obtain all of the files subpoenaed.

The table below sets out, by police force, not including Quebec, the number of files subpoenaed for the FDRP and the number of files obtained at the time of writing this summary.

Table 1: Number of Files Subpoenaed and Obtained

	Police Force	Files Requested	Files Received
1	Brandon Police Service	1	1
2	Brantford Police Service	1	1
3	Calgary Police Service	6	1
4	Cape Breton Regional Police	1	1
5	Charlottetown Police Service	1	1
6	Edmonton Police Service	22	15
7	File Hills First Nation Police Service	1	0
8	Fredericton Police Force	3	2
9	Halifax Regional Police	2	0
10	Lethbridge Police Service	3	3
11	Manitoba First Nation Police Service	2	0
12	Prince Albert Police Service	5	4
13	New Westminster Police Department	1	1
14	Nishnawbe-Aski Police Service	1	0
15	Ontario Provincial Police	8	2
16	Ottawa Police Service	2	0
17	RCMP (three subpoenas)	298	107
18	Regina Police Service	16	8
19	Saskatoon Police Service	8	3
20	Springfield Police Service	1	0
21	Sudbury Police Service	1	0
22	The Royal Newfoundland Constabulary	3	0
23	Thunder Bay Police Service	14	9
24	Toronto Police Service	10	0
25	Vancouver Police Department	35	5
26	Victoria Police Department	3	1
27	Waterloo Regional Police Service	1	1
28	Winnipeg Police Services	29	4
29	Unknown/Other		4

Content of the Subpoenas

The subpoenas prepared by the FDRP had three components: the subpoena itself, and two schedules: Schedule A and Schedule B.

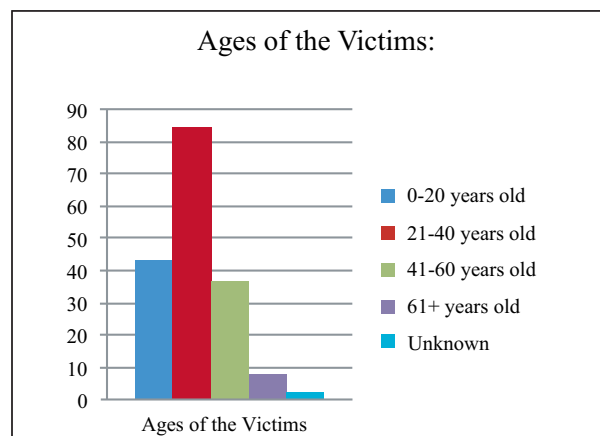
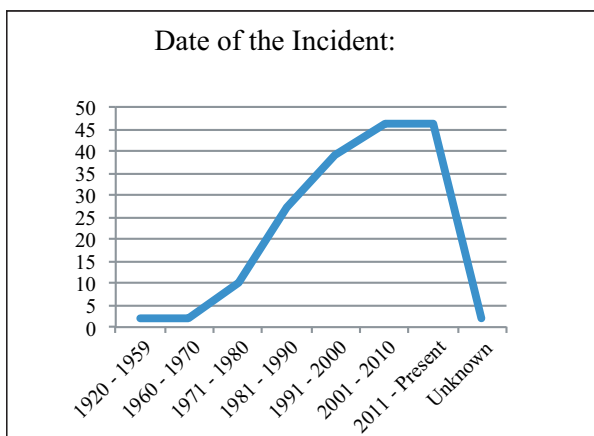
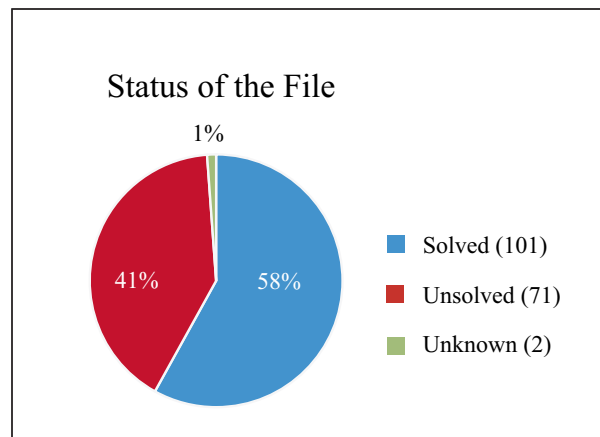
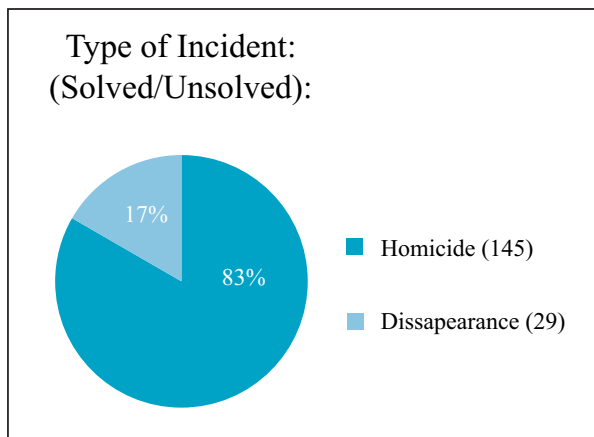
Schedule A was 12 pages in length and comprised of three parts. It set out:

- (i) a description of the documents to be provided¹⁰
- (ii) the required format for the documents¹¹
- (iii) a certification to be completed by the responding officer¹²

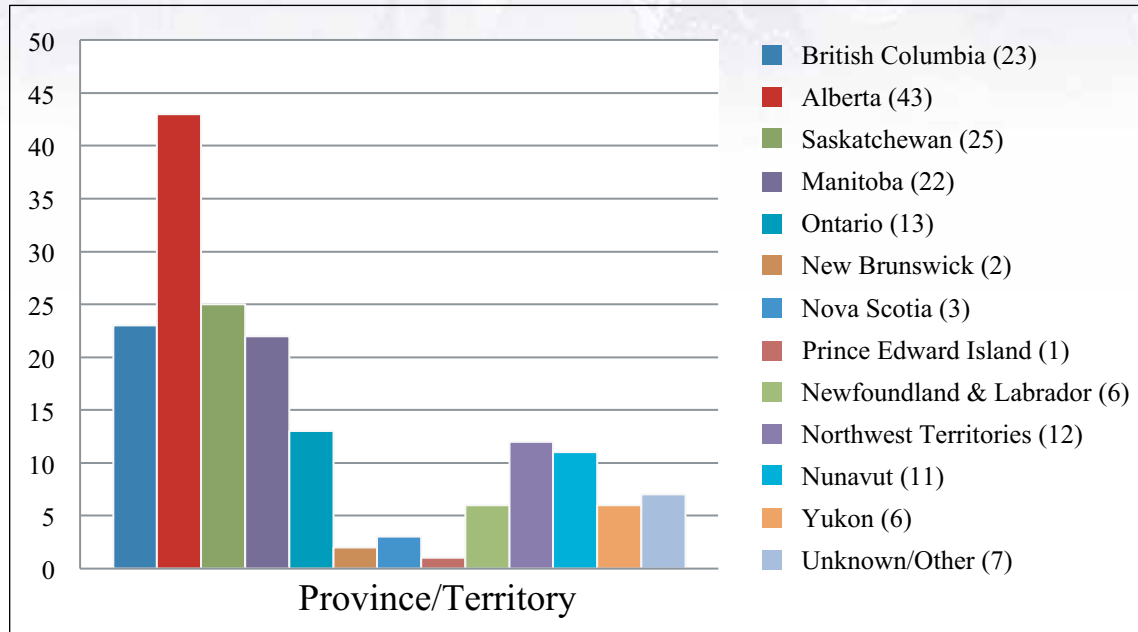
Schedule B of the each subpoena set out information in respect to each person whose file was sought. This included personal information, the nature of the incident, the location of the incident, and the relevant police agency.

Files Obtained for the FDRP

As of April 2, 2019, the FDRP had received and reviewed 174 police files. These files consisted of more than 136,834 documents and 593,921 pages. The tables below indicate the breakdown of the files by type of incident, location, status (solved/unsolved), and age of victim.



Location of the Incident (By Province/Territory):



The Cooperation of Police Forces

Notwithstanding concerns over transparency and the extensive redaction of files, there was an overall willingness, particularly of the municipal and regional police forces, to cooperate with the work of the FDRP. Most, if not all, of the police forces devoted extra resources and personnel to the task of complying with subpoenas issued on behalf of the FDRP, in an effort to provide the National Inquiry with the files requested with enough time for them to be uploaded into Ringtail, coded, and reviewed by the FDRP.

By contrast, the RCMP demonstrated reluctance to provide the FDRP with the information requested. The degree to which the RCMP, represented by the Department of Justice, resisted disclosure of the files sought by the FDRP created a challenge to its ability to obtain and review the necessary documents. Many of the files received contained redactions that rendered some documents unintelligible. This affected the analysis. This is particularly significant because the RCMP is the national police force responsible for policing approximately 40% of the Indigenous population and 39% of unsolved cases reviewed by FDRP.

Disputes over Production

It was imperative that the FDRP have access to the files for unsolved cases in addition to resolved cases. Pursuant to the Legal Path and term (q.) of the National Inquiry's Terms of Reference, which required the Commissioners to ensure that the conduct of the Inquiry did not jeopardize any ongoing criminal investigation or criminal proceeding, and in keeping with a

trauma-informed approach, the National Inquiry cannot release any information received from police files. However, it is noteworthy that the National Inquiry did issue subpoenas to the RCMP as part of their investigative mandate beginning in 2017.

The National Inquiry was repeatedly informed that the RCMP unit created to respond to and participate in the National Inquiry simply did not have the resources available to fully respond to our requests for documents.

There were ongoing disputes over production of RCMP files between the National Inquiry and the Government of Canada. In relation to some files, where a valid subpoena was issued, Canada gave the National Inquiry production schedules that went into the spring of 2021. The government also argued that the National Inquiry should have sought these files earlier. Part of the National Inquiry's investigative mandate was to collect evidence and determine which files were needed. Community Hearings, where families and survivors shared their truths, did not end until April 2018. Statement gathering continued until December 2018.

Regardless of when subpoenas were issued, the fact that the RCMP could produce only certain files more than three and a half years from the date that files were demanded (September 2018 to April 2021) demonstrates that they did not have the manpower to cooperate with production of files. The National Inquiry mandate was only two and half years long, so offering to provide files in a three-and-a-half-year time frame added insult to injury.

The disputes over production resulted in in-camera and *ex parte* motions, hearings, and interviews. Although both parties worked together to ensure production of some files, even when Commissioners made orders for production of files, Canada "had no capacity to produce" the files and often claimed that the file size was a barrier to producing them.

In relation to a couple of files, the National Inquiry filed an application pursuant to section 37(3)(a) of the *Canada Evidence Act*, RSC 1985, c. C-5 in the Federal Court to dispute Canada's claim of public interest immunity. As these matters are before the court and subject to confidentiality orders, we will not be able to provide specific information about the contested files. We assert the position that the files are not protected by public interest privilege. The files are no longer under active investigation. The files should be produced and are important to making recommendations regarding the systemic causes of the disappearances and deaths of Indigenous women and girls. We argue that public interest in disclosure to the National Inquiry outweighs any assertion of public interest privilege. We will not know whether our application will be successful or not at the time the *Final Report* is released.

Analyzing the Files

It was crucial that the review process was as objective and standardized as possible. The FDRP, in consultation with members of the FDRP Advisory Circle,¹³ developed a Forensic Investigative Checklist to be utilized in the review of each file. The checklists s included as part of this Summary.

The Investigative Checklist was developed in part based on existing best practices manuals for police investigations, including, in particular, British Columbia's Provincial Policing Standards Manual. The Investigative Checklist is broken down into the investigative steps that may be required in a missing person's case or homicide investigation and includes the advice of the Advisory Circle members' lived experience. The review process was undertaken in three stages.

The first stage of the review was undertaken by a specialized team at MT>3 assisting the FDRP. Each member of the MT>3 team was assigned files and reviewed those files using the checklist developed by the FDRP. The members of MT>3 completed the preliminary review. During their review, the MT>3 member would electronically highlight all portions of the file that they believed to be significant.¹⁴

After completing their review, the MT>3 member would complete the Investigative Checklist for each police file. The Ringtail version of the checklist used by MT>3 was divided into headings based on the stages of an investigation, and included specific investigative steps to be undertaken under the following headings:

- a. General investigation
- b. Conduct at crime scene
- c. Efforts to obtain and utilize documentary evidence
- d. Efforts to obtain and utilize physical evidence
- e. Case management and oversight
- f. Communication with and treatment of victim, family members, witnesses, and others

The second stage included a review of the file by the FDRP investigator. Significant issues or concerns with the police investigation, recurring themes, or issues suggesting systemic causes or trends, were noted. The review also included noting the follow-up steps that the FDRP may want to consider; and whether or not the file may be suitable for referral pursuant to terms (r.) or (s.) of the National Inquiry's mandate.

It is important to note that the secondary review did not duplicate or restrict itself to the efforts of MT>3. The secondary review utilized the completed checklist to concentrate on concerns or issues identified by MT>3, which often led to a focused examination into the file and further review of any additional concerns.

The third stage was a review process by the lead and researcher of the FDRP. They reviewed the results of both the initial analysis by MT>3 and the secondary reviews conducted by the FDRP investigator. Part of the tertiary review process also included a consultative process between members of the FDRP and the MT>3 team members. The consultative process was comprised of ongoing, extensive discussions with respect to the files under review. Interwoven with the tertiary review stage of the process was a literature review process, which is discussed later in this report.

At each stage of the review process, care was taken to ensure that the investigative issues arising during the first two stages of the review were independently verified.

Notes on Terms of Reference

Term (p.) of the federal Terms of Reference directs the Commissioners not to express any conclusions or recommendations regarding the civil or criminal liability of any person or organization. While, in some cases, the FDRP may make reference to the conduct or actions of organizations, any such comments are not an indication that any conclusions about the civil or criminal liability of any person or organization are being found by the Commissioners.

Terms (r.) and (s.) of the federal Terms of Reference authorize the Commissioners of the National Inquiry to provide to the appropriate authorities any information that the Commissioners have reasonable grounds to believe may be used in the investigation or prosecution of a criminal offence, or that may relate to misconduct. Terms (r.) and (s.) provide as follows:

- r. if the Commissioners have reasonable grounds to believe that any information obtained in the course of the Inquiry may be used in the investigation or prosecution of an offence under the Criminal Code, authorize the Commissioners to remit that information to the appropriate authorities;
- s. authorize the Commissioners to remit to the appropriate authorities any information that was obtained in the course of the Inquiry that the Commissioners have reasonable grounds to believe relates to misconduct;

The federal Terms of Reference of the National Inquiry do not expressly prevent the Commissioners from making findings or allegations of misconduct against persons or organizations. However, some of the provincial and territorial Orders-in-Council – for example, in British Columbia – expressly prohibit any findings of misconduct. The many Inquiries Acts, with the exception of those of Nova Scotia, Quebec, Manitoba, and the Yukon, require that a notice of alleged misconduct be provided if a finding of misconduct may be made. Section 13 of the federal *Inquiries Act* requires that no report be made against any person until a misconduct notice has been provided.¹⁵

To restate: the Commissioners are not making findings or allegations of misconduct against any individual or police service. The FDRP is a systemic review only. The Commissioners will be providing information or referring cases to the appropriate authority pursuant to terms (r.) and (s.) of the federal Terms of Reference. These referrals are ongoing and will continue after the release of the *Final Report*, as the National Inquiry winds down.

Literature Review and Reports

A significant number of other inquiries, researchers, advocates, and organizations have previously examined the issue of policing in the context of missing and murdered Indigenous women and girls. The FDRP reviewed 36 reports, investigations, and databases that informed the recommendations of the team. The full list of the documents that formed part of the FDRP's literature review is attached to this summary as Appendix B – Report List.

The review of the literature reveals that none of the issues the FDRP raises as significant are new, but confirmed much of what families told us. Nothing will improve the current situation unless there is will to address the root cause of this ongoing crisis, the profound multi-institutional indifference toward violence directed at Indigenous women, girls, and 2SLGBTQQIA people.

Part III

Identification of Issues

To begin to address the systemic causes of the high numbers of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, it is necessary to first determine how many have been murdered or gone missing in Canada over the years.

Following the review described above, it was apparent to the FDRP that there are significant unanswered questions in relation to the numbers of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people. Based on its review, the FDRP is of the view that these systemic issues exist across the country in relation to policing. Below are eight significant issues that the FDRP has identified.

1) There is no reliable estimate of the numbers of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people in Canada.

In its review, the FDRP identified that there is still not a complete understanding of the numbers of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people. The FDRP asserts that there is not an empirically reliable estimate of the number of missing and murdered Indigenous women and girls in Canada.

The RCMP's 2014 Report:

On May 16, 2014, the RCMP released the results of their study entitled “Missing and Murdered Aboriginal Women: A National Operational Overview” (“2014 Report”). The 2014 Report purports to provide “the most comprehensive data that has ever been assembled by the Canadian policing community on missing and murdered Aboriginal women.”¹⁶

The 2014 Report states that there have been 1,017 homicides and 164 disappearances (1,181 total) of Indigenous women and girls in Canada between 1980 and 2012. However, the RCMP acknowledged that these figures are unreliable and the actual figures could well be many times higher.

The data on the numbers compiled by the RCMP was based principally on a review of the statistical information gathered from the Canadian Centre for Justice Statistics (CCJS) Homicide Survey (“Homicide Survey”) between 1980 to 2012.¹⁷ There were issues with the collection of Indigenous identity on the Homicide Survey in that the accuracy and completeness of the information depend wholly on the police officers who complete the survey.

Startlingly, as of 2013, half of all police services, including the RCMP, do not report information on the Indigenous identity of homicide victims.¹⁸ According to Statistics Canada, the RCMP stopped reporting Indigenous identity in the Homicide Survey in 2001.¹⁹ Further, the quality of

the data that is collected and reported on Indigenous identity is suspect. Often, an officer will rely only on a visual assessment to determine whether an individual is recorded as being Indigenous. It is important to point out that the 2014 Report does not mention the limitations of the information contained in the Homicide Survey, upon which the statistics in the 2014 Report are based.

Issues with the collection of Indigenous identity on the Canadian Police Information Centre (CPIC) as it relates to disappearances:

The figure of 164 disappearances is calculated on the basis of the information contained in the CPIC database, together with a limited review of file information held by the RCMP. The CPIC database began to record Indigenous identity in 2011,²⁰ but it also leaves the identification of Indigeneity to the discretion of individual police officers. Importantly, prior to 2011, no police force in Canada recorded Indigenous identity in CPIC. Again, the RCMP acknowledge that they do not know if the actual number of disappearances could be significantly higher.

Although changes have been made to the CPIC form and to the Homicide Survey, inconsistent reporting practices continue to hinder the ability to determine the true number of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people. Only some police forces currently record the race, ethnicity, or cultural affinity of people who have disappeared. Police forces are not required to report these numbers to Statistics Canada.

The FDRP points out that the numbers cited in the 2014 Report likely underestimate the true numbers of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people. It is concerning that, despite being aware that the true numbers could well be vastly higher than what is presented in either their 2014 Report or their 2015 updated Report, the RCMP has not done anything to clarify these misstatements. A reader of the 2014 Report could be misled into believing that there is a reliable empirical foundation upon which the numbers contained in the report are based when there is not. It is the view of FDRP that the statistics set out in the 2014 Report do not provide a reliable basis for either operational decision making or for the development of policy.

2) The RCMP reports identify a narrow and incomplete understanding of the causes of homicides.

The RCMP's 2015 Report:

On June 19, 2015, the RCMP released a second report in relation to missing and murdered Indigenous women and girls entitled “Missing and Murdered Aboriginal Woman: 2015 Update to the National Operational Overview” (“2015 Report”). Although the National Inquiry’s federal Terms of Reference do not expressly mention the 2015 Report, the RCMP state that the 2015 Report is intended to provide an update and further analysis on the findings in the 2014 Report and it should be read together with the 2014 Report.

In the 2015 Report, the RCMP make a brief reference to having reviewed all outstanding (unsolved) cases of missing and murdered Indigenous women and girls within RCMP jurisdiction reported in the 2014 Report and reaching the conclusion that “investigations were being diligently investigated with appropriate investigative resourcing.”²¹ There is no empirical basis for this conclusion and it is at odds with many of the files reviewed by the FDRP.

Inaccurate and misleading statistics:

According to Statistics Canada’s figures for 2014, Indigenous females were killed by a spouse less than 35% of the time.²² Further, when the figures for 2013 and 2014 are included with the data from 1980 until 2012, Statistics Canada reports that of the total *solved* Indigenous female homicides, only 53% were committed by current or former spouses, common-law partners, or other family members²³; and, in close to a third of all homicides of Indigenous females, the offender was an acquaintance.²⁴ These findings are consistent with the RCMP’s own figures from their 2014 Report, which found, on the basis of the data for 1980 to 2012, that in 38% of homicides of Aboriginal females, the offender was an acquaintance or stranger. Further, Indigenous females are less likely than non-Indigenous females to be murdered by a spouse (29% compared with 41%).²⁵ The Canadian Femicide Observatory for Justice and Accountability’s 2018 report on femicides in Canada makes the point that Indigenous women and girls continue to overrepresented as victims of femicide.²⁶

However, the statistics relied on in the RCMP’s 2015 Report are inaccurate and provide a misleading picture of the relationship between offenders and victims in cases of homicides of Indigenous females. The empirical basis for the claim set out in the 2015 Report is an analysis of the narrow statistical data on 32 homicides of Indigenous women and girls within RCMP jurisdiction in 2013 and 2014.²⁷ The 2015 Report notes that the solve rate for homicides of Indigenous females in 2013 and 2014 was 81% (or approximately 26 of 32 homicides). On the basis of this analysis, the RCMP conclude that in 100% of solved homicides of Indigenous women in RCMP jurisdiction, the offender was known to the victim.²⁸ This finding is then used to focus RCMP policy in countering the issue of missing and murdered Indigenous women and girls.

In our view, the RCMP’s reliance on such a small number of cases creates an unreliable basis upon which to focus policy. A focus on spousal violence, on the basis of flawed statistics, has resulted in an erroneously narrow focus on Indigenous men as the perpetrators of violence against Indigenous women and girls, and neglects other significant patterns in relation to missing and murdered Indigenous women and girls in Canada.

For example, the RCMP has acknowledged that they create policies and procedures on the basis of only the offences committed within RCMP jurisdiction. The RCMP does not consider the nationwide data collected by Statistics Canada. This creates a significant risk that the policies developed by the RCMP may be skewed by unreliable empirical data that does not provide an accurate picture of the causes of violence against Indigenous women and girls.

Without question, family violence is a serious issue in all segments of society, Indigenous and non-Indigenous. However, policies or awareness campaigns created by the RCMP focusing solely on Indigenous men as the perpetrators of violence against Indigenous women and girls ignore significant issues critical to the protection of Indigenous women, girls, and 2SLGBTQQIA people. They also feed bias and stereotyping, encouraging racism, without addressing violence perpetrated by non-Indigenous people.

Problems with solved rates and characterization of deaths in the RCMP reports:

Both the 2014 Report and the 2015 Report focus on identifying the number and causes of “solved” homicides of Indigenous women and girls in Canada. The two reports do not consider suspected homicides, deaths deemed suspicious, or homicides not reported to Statistics Canada on a Homicide Survey.²⁹ This total number is unknown. A significant but overlooked component of the 2014 Report is the reference to clusters of occurrences of unsolved murders or disappearances.³⁰ The RCMP identify 225 unsolved disappearances or murders of Indigenous women and girls at the time of the 2014 Report, including 105 disappearances classified as “unknown” or “foul play suspected,” and 120 unsolved homicides.

In the 2015 Report, this number has been reduced to 106 known unsolved homicides and 98 known unsolved disappearances.³¹ The RCMP note that multi-agency task forces have been established in several areas with the highest volume of unsolved murders and disappearances.³² These task forces were established to, among other things, determine whether one or more persons were responsible for multiple murders or disappearances.³³

The true figure of these unsolved disappearances and homicides may be much higher, depending on the accuracy of police classification of a disappearance as “suspicious” or “death as caused by homicide.” The FRDT believes that there were repeated instances on review of files of police mischaracterizing disappearances and deaths as “not suspicious.”

3) The often-cited statistic that Indigenous men are responsible for 70% of murders of Indigenous women and girls is not factually based.

The release of the 70% statistic:

In December 2014, following the release of the 2014 Report, the minister of Aboriginal Affairs at the time appeared to publicly blame Indigenous men for the high numbers of deaths of Indigenous women and girls in Canada, stating that “it’s apparent what part of the problem is. Obviously, there’s a lack of respect for women and girls on reserves. So, you know, if the guys grow up believing that women have no rights, that’s how they are treated.”³⁴ The minister made these comments despite there being no reference in the 2014 Report to the ethnicity of offenders of violence against Indigenous women and girls.

In March 2015, the minister stated during a private meeting of Treaty 6, 7, and 8 chiefs in Calgary, Alberta, that Indigenous men were responsible for 70% of murders of Indigenous women and girls.³⁵ A month later, in April 2015, the RCMP commissioner at the time issued a

statement confirming the 70% figure cited by the Aboriginal Affairs minister. In a separate letter to Grand Chief Bernice Martial of Treaty No. 6, dated April 7, 2015, the commissioner of the RCMP confirmed that on the basis of the information reviewed in preparation of the 2014 Report, the RCMP determined that 70% of offenders were of “Aboriginal origin.” Surprisingly, neither the 2014 nor the 2015 Report makes any mention of this 70% figure.

The RCMP’s 2015 Report provides an analysis of the narrow statistical data on 32 homicides of Indigenous women and girls within RCMP jurisdiction in 2013 and 2014.³⁶ The 2015 Report notes that the “solve rate” for homicides of Indigenous females in 2013 and 2014 was 81% (or approximately 26 of 32 homicides).³⁷

The FDRP is of the view that, as a result of the limitations of the 2014 Report dataset, the 70% figure is unreliable and should not be considered as an accurate or complete statement of the perpetrators of violence against Indigenous women and girls.

4) Virtually no information was found with respect to either the numbers or causes of missing and murdered Métis and Inuit women and girls and Indigenous 2SLGBTQIA persons.

Very little research has been undertaken towards identifying the numbers of missing and murdered Métis and Inuit women and girls and Indigenous 2SLGBTQIA people in Canada. Most reports that the FDRP reviewed did not touch on unique issues facing Métis and Inuit women and girls and Indigenous 2SLGBTQIA people.

The Homicide Survey Victim Questionnaire has, until very recently, as changes were introduced in 2019, included only three options for police to record the sex of a victim: “Male,” “Female,” or “Unknown.” The Scoring Guide for the Victim Questionnaire uses the term “gender,” but refers to the biological sex of a victim. There is no ability to record gender identification independently of sex. The new Victim Questionnaire refers to both a victim’s gender identity and “sex at birth.” However, the gender identity options are limited to “Male,” “Female,” “Other,” and “Unknown.”

As we have discussed above, until recently, both CPIC and the Homicide Survey permitted the police to record identity as either “White,” “Non-white,” or “Unknown.” The new Homicide Survey Victim Questionnaire permits police to record the Indigeneity of a victim as “First Nations,” “Métis,” “Inuit,” “Aboriginal person,” and “Unknown.”

It is significant that historically this information was not collected and there is little understanding of the distinct causes of violence against, or the numbers of, missing and murdered Métis and Inuit women and girls and 2SLGBTQIA people in Canada. Notably, neither the RCMP’s 2014 nor 2015 Report, which purport to be the most comprehensive data ever collected in respect to missing and murdered Indigenous women and girls, includes an analysis with respect to Métis, Inuit, or 2SLGBTQIA people.

Although recent changes have been made to both the Homicide Survey and CPIC in relation to gender and Indigeneity, the collection of information still depends on the judgment and discretion of individual police officers completing the Homicide Survey or entering information into CPIC.

As the RCMP acknowledge in the 2014 Report,³⁸ relying on individual officers to gather statistical information can lead to perception-based assessments, resulting in incomplete and inaccurate information. Further, without uniform data collection practices and information sharing between police services, it is impossible to create a reliable body of information to better understand distinct causes of violence against Indigenous women, girls, and 2SLGBTQQIA people, especially those from distinct Métis, Inuit, and 2SLGBTQQIA communities.

The FDRP found that there were effectively no references to victims of violence as being 2SLGBTQQIA persons. We encountered some identification by police of victims as being Métis and Inuit; however, that determination was incidental to the investigation. Overwhelmingly, it appears as though cases of deaths or disappearances of Indigenous women, girls, and gender-diverse people are treated similarly, regardless of the distinction of being Métis, Inuit, or a 2SLGBTQQIA person.

The FDRP was not able to fully explore the distinctions that may exist in the way that cases of deaths or disappearances of Métis and Inuit women and girls and 2SLGBTQQIA persons are treated by police forces because of the absence of identification or information of documents and reports. This is concerning because without an awareness of those being harmed or what the cause of violence is against those distinct groups, there is a decreased chance to provide meaningful, distinction-based solutions.

5) Indigenous communities, particularly in remote areas, are under-prioritized and under-resourced.

This issue does not look at funding or resourcing issues of Indigenous police services. Other parts of the *Final Report* and findings and recommendations of the Commissioners address that issue. This issue is identified by the FDRP as specific to RCMP under-resourcing and under-prioritizing Indigenous communities. The RCMP provides federal policing services pursuant to the *Royal Canadian Mounted Police Act*. They provide policing under contract at the provincial, territorial, and municipal levels to 3 territories, 8 provinces, 150 municipalities, more than 600 Indigenous communities, and 3 international airports.³⁹

Prospective members of the force spend their first 26 weeks at the RCMP Academy in Regina, Saskatchewan. One of the requirements of joining the RCMP is a willingness to relocate anywhere in Canada. Although the RCMP will consider an officer's preferred posting location, after graduation, officers are posted to a detachment based on operational priorities.⁴⁰ Future postings are determined based on a variety of factors, including an individual officer's role and promotional interest, staffing requirements, and available opportunities.

In practice, this system of rotating postings means that posts that are seen as most desirable have greater competition for posting. Remote, less desirable postings are often filled by young, inexperienced officers, with a high rate of turnover. The FDRP came across repeated instances where, because of the rotating posting system, an unsolved death or disappearance case may have a significant turnover of investigators assigned to the file. In one example, a young Indigenous teenage girl went missing in the Northwest Territories. Since 1990, more than a dozen lead investigators and upwards of 250 investigators in total have been involved with investigating her disappearance. The file remains unsolved.

The RCMP is organized into 15 divisions, roughly organized by province and territory, with the headquarters of each division located, for the most part, in the respective provincial and territorial capitals.⁴¹ Within the jurisdiction of each division, the RCMP maintains a number of detachments. For example, in the Northwest Territories (G Division), the RCMP maintains 22 detachments, including G Division Headquarters in Yellowknife. A public example of under-resourcing is how remote detachments go through a central dispatcher in Yellowknife and how this can result in slower response times. In one incident, two Elders living in a remote community witnessed a young Indigenous woman being beaten to death outside their residences in March 2014. One of the Elders who witnessed the attack tried to call 911 but couldn't understand why his calls to the local detachment in Fort Good Hope kept going through to Yellowknife. Witnesses reported that the police took over an hour to respond, despite the detachment's being only minutes away. In response to concerns over police response time raised by the community, the RCMP sergeant stated that the RCMP had no plans to change the central dispatch system any time soon.⁴² This raises two issues: (1) communication difficulties in northern and remote locations, but, more importantly (2) the under-resourcing of police officers in these communities.

RCMP internal documents that constitute part of the FDRP review acknowledge the need for more experienced, senior members to be posted to remote northern communities: the same communities that are often considered to be less desirable locations, with heavy workloads.

6) There is a lack of communication to families and Indigenous communities by police services and a lack of trust of the police by Indigenous communities.

The FDRP found repeated instances of police officers' failing to adequately communicate information to family members and loved ones of victims. Often, communication was scheduled for once or twice per year. In other instances, the determination was made not to communicate with the family of a victim for "operational reasons."

The FDRP encountered numerous inconsistencies between a police officer's determination of the family's desire to receive information and the family's wishes. In other words, in numerous instances, the police records reviewed indicated that the family did not wish to be contacted, while at the same time family members had publicly stated that they had made repeated attempts to receive information, to no avail.

When communication did occur, it was often felt to be unsatisfactory by the families and community. The information that the FDRP obtained contained very little in the way of information on the substance of the communication by police officers to family members. On this basis, Commissioners must heed what was shared by families in testimony that expressed dissatisfaction, as this was a theme that was heard regardless of Indigenous identity, geography, police service, or other factors. The National Inquiry also heard stories of good communication by police services and good interactions between police officers investigating disappearances or murders and families, but too often we heard families describing instances such as the following:

- the characterizing of a disappearance as “non-suspicious” based on the perceived lifestyle of the victim – such as a transient sex trade worker;
- conclusions that no foul play was involved despite strong evidence that might suggest otherwise;
- family members’ input about how the disappearance was out of character; the ignoring of information the family had to share;
- statements that she must have “run away” or be “out partying”;
- determinations that death was suicide, and no further investigation.

Solutions and recommendations must ensure that families are empowered in relationships with police services as valued contributors and deserving of respect and are appropriately updated and heard. Schedules of communication should take into account family needs, and “family” must be defined by Indigenous perspectives, not just police perspectives or legal definitions.

7) There is an ongoing lack of communication with and coordination between the police and other service agencies.

In a number of cases, there was evidence that the killer of an Indigenous woman or girl had a history of violence against the victim or other people. In some instances, that previous history of violence was not properly addressed. It is apparent to the FDRP that, at least in part, the failure to take adequate preventative measures was as a result of a profound indifference on the part of police. Better communication and coordination between the police and other service agencies, in some instances, potentially might have prevented the subsequent homicide of the victim.

The safety and protection of Indigenous communities and persons are a shared responsibility of the police and other government agencies – including child protection services. Issues warranting comment by the FDRP were identified in the following cases.

In one case, a very young developmentally delayed Indigenous girl was beaten to death by her foster father. There was evidence suggesting that physical assaults against the child likely occurred over a period of time. The child was seen by a community doctor shortly before her death and presented with bruising and scarring on her body, which the foster mother explained was caused by the clumsiness of the child.⁴³ If any concerns were raised with child protection

services, there was no evidence in the file of an intervention prior to the murder of the child. It is noted that after the arrest and confession of the accused, police notified child protection services of their concerns for the safety of other children in his care.

In another case, an Indigenous teenage girl was murdered in her home by a family member. Child and family services were involved with the family. The FDRP identified numerous previous involvements with the family by child services reflecting a pattern of escalating violence against the victim. Child and family services had contacted the police three years earlier regarding an incident of violence. No formal action was taken by the police. The officer involved proposed to have a chat with the accused and not pursue an investigation. The FDRP is of the opinion that the absence of any formal intervention or investigation of the earlier incident may have been a contributing factor in the escalation of domestic violence that culminated in the murder of the victim.

In another instance, a teenage Indigenous girl was murdered in her home. Initially, the coroner erroneously – and surprisingly, given the nature of her injuries – believed that the young woman had committed suicide. It was subsequently determined that she had been murdered, and a family member was charged with the murder. A review of the file disclosed more than half a dozen previous involvements with child protection services, indicating a pattern of escalating violence against the victim by members of her family. The records indicated that child protection services spoke with the police service about their concerns. However, in the view of the FDRP, it does not appear as though those concerns were taken seriously and acted on by the police.

8) Deaths and disappearances of Indigenous women, girls, and 2SLGBTQIA people are marked by indifference. Specifically, prejudice, stereotypes, and inaccurate beliefs and attitudes about Indigenous women, girls, and 2SLGBTQIA persons negatively influence police investigations, and therefore death and disappearances are investigated and treated differently from other cases.

During the review of files, the FDRP came across repeated instances of officers’ appearing to make investigative decisions based on prejudicial stereotypes and inaccurate beliefs and attitudes about Indigenous women and girls.

These attitudes and beliefs appeared to be rooted in preconceived opinions or beliefs about Indigenous women and girls, or Indigenous Peoples in general, which were applied to individual circumstances erroneously without any evidentiary basis for doing so. These beliefs and attitudes were most noticeable in relation to two critical steps of an investigation:

- (i) the decision to initiate or continue a missing person or homicide investigation; and,
- (i) the decision to classify a disappearance or death as a “homicide” or “suspicious.”

The FDRP found numerous references to determinations of the causes of deaths or disappearances as “non-suspicious” that can be described only as being based on prejudices and stereotypes, including:

- a) determinations that a number of disappearances were due to victims’ wishing to escape an unbearable situation (on-reserve);
- b) deaths determined to be non-suspicious, or suicides, as a result of the fact the victims worked as sex trade workers, had mental health issues, or had substance abuse issues; and,
- c) reluctance or refusal to classify someone as “missing,” or to classify a disappearance as “suspicious,” due to a determination that the victim led a “high-risk” lifestyle.

Further, the FDRP found repeated instances of unsolved disappearances or deaths in which a determination was made, without any adequate rationalization provided, to not actively investigate. Often, the only basis provided to justify ceasing activity on an investigation was a lack of resources, or as a result of “file prioritization.”

The FDRP found examples of police officers’ holding negative views of victims of violence as a result of generalized prejudicial attitudes and beliefs. In one striking example, a middle-aged Indigenous woman was reported missing and subsequently found to have been killed in a remote community. Confidential records reviewed by the FDRP found that the police officers appear to take pains to point out that the victim was transient, unemployed, and engaged in paid sex work. The offender, who was not Indigenous, was portrayed as an otherwise respectable family man, who was “down on his luck,” with a record of steady employment.

In that case, the offender was eventually charged and convicted of the homicide, but internal records show that the police force itself identified a number of failings in the investigation: notably, repeated delays of officers to provide relevant information to Crown counsel. During the course of the investigation, sensitive information associated with the investigation was left in a police vehicle and stolen when someone broke into the vehicle. The information was later returned by a member of the public.

The case of the death of Amber Tuccaro is an illustrative example of inaccurate, stereotyped, or prejudicial attitudes and beliefs that may have a negative impact on investigative decisions, particularly at the critical point at which an investigator must make the decision whether or not to declare a person “missing” and commence an investigation into the disappearance.

Amber Alyssa Tuccaro was a 20-year-old mother from the Mikisew Cree Nation, and was last seen on August 18, 2010, in Nisku, Alberta. When Amber was reported missing, the RCMP initially declined to consider her as a missing person, despite her family’s pleas. The police were of the view that Ms. Tuccaro was not missing, telling her mother that she may be out partying. It took the police one month to begin investigating her disappearance and it was four months before any interviews took place. Ms. Tuccaro’s family complained to the Commission for Public Complaints Against the RCMP in 2014. In September 2018, the commission found that

the RCMP's investigation was deficient and the delays in commencing the investigation were unreasonable and unexplained.⁴⁴

Perhaps the most striking observation is the pervasive sense of indifference towards missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, which seems to be reflected in all aspects of the criminal justice process.

That is not to suggest that every case was poorly investigated or prosecuted. Without a doubt, there are many police officers who diligently investigate cases. Many of the investigations that were reviewed were performed to an exemplary standard.

The sense of indifference observed in the files reviewed by the FDRP manifested itself in a myriad of ways. In numerous instances, there was an unusually high number of investigative errors, including:

- destruction or loss of evidence;
- delays in initiating an investigation;
- delays or apparent complete lack of follow-up in interviewing witnesses and suspects;
- failure to obtain and review relevant evidence;
- failure to follow up investigative leads or to otherwise take the investigative steps that, in the view of the FDRP, would be consistent with best investigative practices.

The FDRP was not mandated to examine the exercise of prosecutorial discretion. However, file reviews conducted by the FDRP noted a significant number of instances where murder charges were laid but Crown counsel decided to accept a guilty plea to a lesser charge of manslaughter rather than proceed to trial – often to the outrage of the victim's family and communities.

In some murder investigations reviewed, the adequacy of the police investigation or strength of the evidence were clearly factors in the decision by the Crown to accept a plea bargain and reduce charges. While the prosecutorial decisions to accept pleas to manslaughter in circumstances that appear to warrant charges of first- or second-degree murder may well be justified, the frequency with which this occurs understandably raises questions in the Indigenous community, particularly when the sentences on conviction escape the mandatory parole ineligibility of 10 or 25 years on the more serious charges.

A striking sense of indifference pervades too many police investigations into missing and murdered Indigenous women and girls. "Indifference" in this context is helpfully described in the evidence of Dr. Lohrasbe before the Commission of Inquiry into the death of Mi'kmaq man Frank Paul, who, when completely incapable of caring for himself, was denied entry to the jail and left in an alley, where shortly thereafter he died.

Dehumanization is the central construct in the understanding of man's inhumanity to man. This is true both in the context of major group conflicts (wars, prison camps) and in the more mundane and everyday examples of interpersonal violence. Among groups, dehumanization occurs when the group considers another group as somehow excluded from the moral order of being human.... At the individual level, seeing another as 'beneath' oneself (whether for reasons of race, gender, sexual orientation, social class, personal habit, etc.) is a crucial psychological prerequisite for inflicting violence.⁴⁵

Dr. Lohrasbe explained, "Dehumanization lurks behind attitudes and beliefs that render another individual different in a negative way," and that "mistreatment is seen in a different light than if directed to someone with whom one can empathize or identify with." He further said of indifference:

Dehumanization is not always 'active' or assertive. Indifference can be just as potent. Turning away and not responding to the human needs of another person automatically facilitates inhuman actions. Indifference is a shutting down of feelings of compassion and connection for another human being, unresponsiveness in the face of someone in distress. Indifference then activates self-justification in the form of cognitive distortions ... and perpetuates itself.⁴⁶

The dehumanization and manifest indifference towards Indigenous women, girls, and 2SLGBTQIA people can no longer be tolerated as it becomes an excuse for inaction or failure to adequately respond to and fully investigate crimes of violence.

Part IV

Recommendations

Ultimately the FDRP made the following six recommendations:

- ✓ That in all the following recommendations, Indigenous women and 2SLGBTQQIA people play a central role in their development and implementation.
- ✓ That the FDRP should be continued. We recommend the creation of an independent, Indigenous-led national review body with the statutory powers to access all relevant information and to compel the testimony of any witness necessary to enable a complete review of all cases of missing and murdered Indigenous women and girls that will, among other things, determine the true numbers of, and causes of violence against, missing and murdered Indigenous women, girls, and 2SLGBTQQIA people.
- ✓ That the federal, provincial, and territorial governments create a permanent, national, Indigenous-led police task force for the purposes of receiving complaints from Indigenous families and loved ones and reviewing and assessing investigations of missing and/or murdered Indigenous women, girls, and 2SLGBTQQIA people.
- ✓ That the federal, provincial, and territorial governments establish an independent, Indigenous-led national task force to research into, and make recommendations about, how to improve the collection and sharing of information about missing and murdered Indigenous women, girls, and 2SLGBTQQIA people and, in particular, Métis, and Inuit women, girls, and 2SLGBTQQIA people in Canada.
- ✓ That Indigenous policing be recognized as a component of self-government, and, wherever possible, Indigenous police forces be created and funded to provide policing to Indigenous communities.
- ✓ That where possible, police forces designate Indigenous officers to either investigate or monitor the investigations of missing or murdered Indigenous women, girls, and 2SLGBTQQIA people.

A Concluding Word from the Commissioners

The work of methodically reviewing police files was a challenging but vital part of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Throughout Part 1 of our Truth-Gathering Process we heard from families and survivors about how encounters with police either respected their rights and promoted safety, or had the opposite effect. The failure of police to respond or inadequate responses by police services, was noted by numerous families as leading or perpetuating factors in the violence their loved ones experienced and/or as factors contributing to disappearances and murders going unresolved. Despite the lack of cooperation of some police services and the limited number of files the FDRP was able to access, the significant issues that the FDRP identified are supported by previous reports and by the testimony and experiences of many Indigenous Peoples from whom the National Inquiry heard. The issues the FDRP identified assist in our understanding of the police responses to violence against Indigenous women, girls, and 2SLGBTQIA people. As Commissioners for the National Inquiry into Missing and Murdered Indigenous Women and Girls, we accept and adopt the significant issues that the FDRP identified as set out in this summary as findings of the National Inquiry and we have weighed and considered these findings in forming our Calls for Justice.

Notes

1. See <http://www.mmiwg-ffada.ca/forensic-document-review-project/>.
2. *The Legal Path: Rules of Respectful Practice for the National Inquiry into Missing and Murdered Women and Girls*, Rule 49.1: “Information contained in police and other institutional files directly compelled by or produced to the Forensic Document Review Team in response to a request, subpoena or other statutory compulsion from the Forensic Document Review Team shall not be categorized as set out in Rule 49 above and is not subject to disclosure to parties, their representatives, their counsel, and any third party.”
3. Protected “A” is used for low-sensitivity information like dates of birth, SIN numbers, and home addresses. Protected “B” information is used for law enforcement records, medical records, financial records, and the like. Protected “C” information is the most sensitive “protected” information, used for police agents, informants, and the like, in circumstances in which disclosure could risk life-threatening injury.
4. Within the Classified category, there are three sub-classifications: “Confidential,” “Secret,” and “Top Secret.” “Confidential” information includes types of information such as administrative plans and negotiations between departments. “Secret” includes draft legislation, trade talks, and departmental input into the national budget. “Top Secret” information includes information related to international affairs and intelligence matters, where the disclosure could cause exceptionally grave injury to Canada.
5. Where possible, when information cannot be released, this summary refers to any publicly available information that was obtained and analyzed.
6. www.mmiwg-ffada.ca/wp-content/uploads/2018/07/ENGLISH-Forensic-Documents-Review-Team-Transparency-Statement-Final-1.pdf. A copy is also included as a part of this annex.
7. As explained in the National Inquiry’s *Interim Report*, the Government of Canada’s procurement and contracting practices resulted in long delays in payment of invoices. Further, the initial process of setting up the team – obtaining contracts and the requisite security clearances – was convoluted and lengthy. The requirement and process of obtaining security clearances often took months and therefore resulted in delays in beginning the work of the FDRP.
8. Term (n.) of the federal Terms of Reference requires the Commissioners to use the electronic data systems specified by the Privy Council Office for the management of records obtained by the National Inquiry. As such, the National Inquiry was required to use Ringtail software to manage documents, including the police files obtained on behalf of the FDRP.
9. The software allowed the members of the FDRP to work securely remotely. A significant benefit to using an electronic data management system was that it was not necessary for the FDRP to develop the infrastructure needed to store all of the hundreds of thousands of pages of documents. The database included the ability to restrict access to documents.
10. The documents to be provided were divided into 27 different types of documents, some of which were then broken down into further subtypes of documents.
11. A Data Intake Protocol set out how the documents were to be formatted, organized, and encrypted prior to being delivered to MT>3.
12. The certification required the officer(s) responsible for responding to the subpoena to certify, as best as possible, that the police force had complied with the subpoena accurately and completely. The review of the FDRP depended on the degree to which the records produced in response to the subpoenas are accurate, complete, and reliable. As the FDRP was reliant on the individual police forces to produce the files, the certification was created to provide a degree of assurance of the accuracy, completeness, and reliability of the records produced.
13. Advisory Circle members provided assistance in addressing concerns and making recommendations to the Commissioners on topics related to the FDRP within an Indigenous perspective and world view, one that makes central the lived experience of families and communities who have experienced loss and violence, but did not review documents and information received for the FDRP.
14. “Significance” for the purposes of the MT>3 review included any information contained in the file that a reviewer believed to be both material and relevant to the FDRP’s mandate. For example, if the reviewer believed that there was a failure to communicate in a timely way to family members of a missing person, that portion of the file would be flagged for the FDRP.
15. *Inquiries Act* (RSC, 1985, c. I-11): “No report shall be made against any person until reasonable notice has been given to the person of the charge of misconduct alleged against him and the person has been allowed full opportunity to be heard in person or by counsel.”

16. Royal Canadian Mounted Police (RCMP), “Missing and Murdered Aboriginal Women: A National Operational Overview,” 4 (2014 Report), <http://www.rcmp-grc.gc.ca/en/missing-and-murdered-aboriginal-women-national-operational-overview>.
17. *Ibid.*, 21.
18. United Nations, *Convention on the Elimination of Violence Against Women (CEDAW)*, New York, 18 December 1979, para. 159, <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>.
19. Canadian Centre for Justice Statistics, “Collecting Data on Aboriginal People,” 12.
20. United Nations, *CEDAW*, para. 70.
21. RCMP, “Missing and Murdered Aboriginal Women: 2015 Update,” 10 (2015 Report). www.rcmp-grc.gc.ca/en/missing-and-murdered-aboriginal-women-2015-update-national-operational-overview.
22. Statistics Canada, “Homicide in Canada, 2014,” <https://www150.statcan.gc.ca/n1/pub/85-002-x/2015001/article/14244-eng.htm>.
23. *Ibid.*
24. *Ibid.*
25. RCMP, 2014 Report, 12. Note that these figures do not take into consideration the large numbers of missing, and unsolved murders of, Indigenous women and girls.
26. Canadian Femicide Observatory, “106 Women and Girls Killed by Violence: Eight-Month Report by the Canadian Femicide Observatory for Justice and Accountability,” 2018–2019, accessed January 13, 2019, <https://femicideincanada.ca/sites/default/files/2018-09/CFOJA%20FINAL%20REPORT%20ENG%20V3.pdf>.
27. RCMP, 2015 Report, 14.
28. RCMP, 2015 Report, 14.
29. RCMP, 2014 Report, 21.
30. *Ibid.*, 16.
31. RCMP, 2015 Report, 7.
32. RCMP, 2014 Report, 16. These are task forces such as Project KARE, Project Evenhanded, Project E-Pana, Project Devote; It is noteworthy that much of the resistance encountered by the FDRP in regards to the production of files was in relation to files that formed part of these special projects.
33. See for example The Missing Women Commission of Inquiry, *Forsaken*, Vol. I.
34. Bernard Kennedy, “Valcourt urges First Nations, provinces to take action on murdered Aboriginal women,” December 12, 2014, <https://ottawacitizen.com/news/politics/bernard-valcourt-rejects-inquiry-on-murdered-aboriginal-women>.
35. Jorge Barrera, “Valcourt used unreleased RCMP data to claim Aboriginal men responsible for majority of murders of Aboriginal women: Chiefs,” March 25, 2015, <https://aptnnews.ca/2015/03/25/chiefs-say-valcourt-used-unreleased-rcmp-data-claim-indigenous-men-responsible-majority-indigenous-women-murders/>.
36. RCMP, 2015 Report, 14.
37. RCMP, 2015 Report, 15.
38. *Ibid.*, 21.
39. RCMP, “About the RCMP,” <http://www.rcmp-grc.gc.ca/about-ausujet/index-eng.htm>.
40. RCMP, “Qualifications and Standards to Become an RCMP Officer,” <http://www.rcmp-grc.gc.ca/en/qualifications-and-requirements>.
41. RCMP, “Organizational Structure,” <http://www.rcmp-grc.gc.ca/about-ausujet/organi-eng.htm>.
42. *CBC News*, “Elders watched helplessly while woman beaten to death,” September 15, 2014, <https://www.cbc.ca/news/canada/north/elders-watched-helplessly-while-woman-beaten-to-death-1.2766541>.
43. There was no evidence in the file available to the FDRP to indicate whether the doctor or medical staff reported to child protective services any concerns they may have had about the physical well-being of the child.
44. Juris Graney, “Report finds RCMP investigation of Amber Tuccaro’s murder case was ‘deficient,’” *Edmonton Journal*, September 19, 2018, <https://edmontonjournal.com/news/crime/report-finds-rcmp-investigation-of-amber-tuccaros-murder-case-was-deficient>.
45. Dr. Shabehram Lohrasbe, “Report for the Inquiry – Frank Paul,” accessed March 15, 2019, www.seatoskymetings.com/wp-content/uploads/Civil-Court-Process-Diane-Turner-Handout-1.pdf.
46. *Ibid.*

Investigative Checklist

Guided in part by sample investigative checklists contained in British Columbia's Provincial Policing Standards Manual, an investigative checklist was developed to serve as the standard for a best practices comparison against missing persons case files reviewed by the Forensic Document Review Project (FDRP).

The FDRP will examine whether discrimination against Indigenous women, girls, and 2SLGBTQQIA people exists within law enforcement agencies – including negative stereotypes, false cultural assumptions, rape myths, criminal histories or sentencing issues.¹ The FDRP will also examine whether families and communities face barriers in reporting violent incidents or missing persons, and participating in police investigations; and whether law enforcement practices contribute to a greater vulnerability of violence for Indigenous women, girls, and 2SLGBTQQIA people.

Missing Persons Comparative Investigative Checklist

The checklist below reflects the minimum investigative tasks to be undertaken and considered by a police officer in response to a missing persons report – and serves as a standard for a best practices comparison against missing persons case files reviewed by the FDRP.

It must be noted that not all investigative steps may be required for every investigation – and the sequence of actions taken by an investigator may likewise vary with each investigation.

INTERVIEW

- Interview all relevant persons – including the reportee and witnesses;
- Interview friends and family members of the missing person;
- Interview the person or persons who last saw or had contact with the missing person.

DETERMINE

- Determine where and when the missing person was last seen;
- Determine where the missing person was last known to be;
- Determine whether it is out of character for the person to go missing;
- Determine possible reason(s) why the person may have gone missing;
- Determine any possible destination or location(s) where the missing person may be found;

COMPLETE

- Complete a review of any past history of person as a reportee, victim, or witness that might be relevant;
- Complete a preliminary risk assessment and complete any missing person intake form in use by the police service.

SEARCH

- Search all relevant locations; including the missing person's residence;
- Search point last seen and last known location;
- Search possible destination(s) or other locations considered relevant – obtaining consent or authority as required.

OBTAIN & CHECK

- Obtain a detailed description and photograph of the missing person;
- Check for the missing person on CPIC, PRIME or other police information systems;
- Off-line CPIC search related to missing person;
- Check for family violence history and police records.

PROVIDE

- Provide the family and or reportee of the missing person with information about available support services;
- Provide information on the investigative process and the file number.
- Provide information to assist the reportee and or family in dealing with the media.
- Provide the name and contact information of the officer designated as family liaison.
- Seek victim services assistance to maintain contact if liaison officer is unavailable.
- Notify the aboriginal liaison officer.
- Notify the reportee or family and friends of any actions taken or information they may seek or can provide to assist the investigation.
- Provide regular and timely updates to family and friends.

The following additional investigative steps should be considered by the police investigator if circumstances or initial investigative findings warrant further investigation; or are required by a police services' policies and procedures:

FURTHER INVESTIGATION

- Issue a BOLO and or Assistance To Locate bulletin;
- Issue an AMBER Alert – if the criteria for an alert are met and circumstances allow;
- Conduct neighbourhood enquiries and or a video canvass;
- Obtain consent or authority for gathering evidence;
- Locate and obtain video surveillance footage;
- Seize computers and electronic devices;
- Obtain passwords and review social media account(s);
- Obtain and review bank records;
- Obtain and review phone records;
- Seize personal items of deceased;
- Obtain and test biological samples;
- Obtain and test familial biological samples;
- Obtain medical and or dental records;
- Request assistance from other police services;
- Request assistance from other agencies, including, but not limited to child protection services; taxi companies; public transit; towing companies; airport authorities; Canada Border Services Agency;
- Profile the case on the police service's website, social media platform(s), and or the NCMPUR's Canada's Missing website.
- Reach out to the media and take any other steps that may assist in the investigation.

IF FOUL PLAY SUSPECTED

- Refer the investigation to the section or investigator responsible for major or serious crime investigations;
- Complete VICLAS (Violent Crime Linkage Analysis System) entry.

MAJOR CRIME INVESTIGATION

British Columbia's Provincial Policing Standards Manual notes, "... certain cases stand out from others in terms of the seriousness of the offence, the scope or complexity of the investigation, or the resources required to successfully carry out the investigation.

These investigations must be effectively planned and managed from the earliest opportunity to make effective and efficient use of resources and to protect the public from further risk."²

In all cases, the investigation of major crimes should be conducted by a competent individuals with relevant investigative experience and training. Consideration should be given to assigning investigators who are from the community or area that speak the language, and know the Indigenous customs of the area. As well, oversight command of the investigation should be undertaken by someone with expertise in major case management or a subject directly relevant to the investigation.³

Reviews of case files associated with the murder of Indigenous women, girls, and 2SLGBTQQIA people shall examine not only the thoroughness of the investigative steps taken, but also the actions and diligence of any major case management team – or lack thereof. A comparative study of uncleared "Aboriginal and non-Aboriginal" missing persons cases in British Columbia where foul play was not ruled out found the following:

"The most common probable cause of the missing person cases among Aboriginals and non-Aboriginals was a kidnapping; however, Aboriginals were much more likely to have this probable cause than non-Aboriginals. Perhaps because of this, cases involving an Aboriginal missing person were more likely to have an identified suspect, unless the subject was a prostitute."⁴

The investigative team for a major case investigation should be comprised of persons with appropriate training and skills, or demonstrated competency and experience to undertake, at minimum, the following roles or functions:⁵

- (a) legal applications;
- (b) affiant;
- (c) crime analyst;
- (d) interviewers, including persons with appropriate training and skills, or demonstrated competency and experience to conduct or provide guidance with respect to interviews with vulnerable witnesses;
- (e) qualified polygraph examiner;
- (f) confidential informer handling;
- (g) police agent handling;
- (h) undercover operations;

- (i) physical surveillance;
- (j) interception of private communications/electronic surveillance;
- (k) witness protection and handling;
- (l) extraction and analysis of digital evidence; and
- (m) forensic experts.

Command and major crime supervisors must consider the need to access expert resources to assist with the investigation – including but not limited to:⁶

- (a) behavioural sciences services (e.g., criminal profiling, geographic profiling);
- (b) forensic pathology;
- (c) forensic anthropology/archaeology;
- (d) forensic entomology;
- (e) forensic odontology;
- (f) forensic botany;
- (g) pattern/wound interpretation;
- (h) blood spatter analysis;
- (i) other medical experts; and
- (j) other forensic experts.

Homicide Comparative Investigative Checklist

With multiple officers and specialists involved in homicide investigations, there are innumerable tasks to be undertaken that may or may not be reflected in a case file. Each homicide investigation is unique in the same way that every crime has its own specific elements. Accordingly, not all investigative steps may be required for every investigation. Likewise, the sequence of actions taken may vary with each investigation.

The checklist below drawn from several sources encompasses the many actions undertaken and investigative tasks in response to a homicide – and serves as a reasonable standard for comparison of police homicide case files reviewed by the FDRP.

ARRIVAL AT THE SCENE

- Enter scene by route least likely to disturb evidence – noting route of travel; check victim for signs of life; and note time of arrival;

LIVING VICTIM

- Summon medical aid; obtain Dying Declaration;
- Conscious victim – attempt to obtain details of assailant identity and description;
- Unconscious victim – ensure a police officer remains with the victim at all times to note any dying declarations if victim regains consciousness;

REMOVAL OF VICTIM FROM SCENE

- If possible, before removal photograph victim's position at scene;
- If time and circumstances do not permit photos before victim is removed, note the position of the victim in report.
- Officer accompanying victim to hospital should collect victim's clothing and personal effects when available;
- Officer to note time clothing and effects received and record identity of person(s) from whom items were received;
- Items handled by physicians and nurses should be marked by them, and the chain of custody noted.

DECEASED VICTIM

- Examine deceased for physical evidence prior to removal from scene;
- Place deceased on cloth sheet;
- Move body as little as possible;
- Note any additional physical evidence visible after movement; and
- Collect physical evidence from deceased.

SECURE SCENE

- Tape or block off crime scene;
- Remove unauthorized individuals from scene;
- Prevent anyone from touching the body or disturbing the scene – pending arrival of medical examiner or coroner, identification officers, and major crime investigators.
- Record names and addresses of persons present;
- Obtain brief statement from each person present;
- Keep witnesses separated to avoid statement evidence contamination;
- Detain witnesses until arrival of major crime investigators;
- Prevent destruction of fragile evidence – such as footprints and tire tracks.

NEXT OF KIN NOTIFICATION

- Notification in-person of family member(s) or representative – or appropriate individual.

PROCESSING OF SCENE

- Ensure scene is secure;
- Tape or block off crime scene;
- Note weather conditions if outdoors;
- Ensure adequate lighting before processing the scene;
- Organize scene search; assign tasks and individual search areas;
- Preserve items of evidence individually and use correct container;
- Provide information to lab personnel on source of evidence and test(s) requested;
- Note time of arrival of identification personnel;

- Make careful notes of the position of the victim's body;
- Note any change in location of body prior to arrival – as reported by witnesses;
- Note position and condition of clothing; substances on deceased and clothing;
- Examine the ground underneath the victim;
- Take careful measurements of the scene - including each room in a house.

PHOTOGRAPHS

- Photograph scene and victim;
- Take colour photographs from all angles;
- Work from perimeter to centre;
- Include photographs of entrance and exit routes to scene;
- Include photographs of intersections and roadways;
- Include overhead photographs;
- Photograph victim as clothing and items are removed from body;
- Photograph wounds and injuries at scene:
- Photograph wounds and injuries during medical examination;
- Photograph items of evidence in place at the scene – using ruler when scale is important;
- Ensure all possible locations relevant to the scene are photographed;
- Ensure all rooms are photographed;

VIDEO TAPE

- Video recordings should be made of scene where possible;
- Include video images of collecting evidence;
- Include video images of examining victim at scene;
- Video record witnesses and suspect(s);

AUTOPSY

- Arrange for transportation of the victim to morgue;
- Police officer should be present for autopsy;

- If possible before autopsy take finger prints of deceased;
- If not possible get prints once autopsy is completed;
- Photograph autopsy.

MAJOR CRIME INVESTIGATOR(S)

- Respond to scene;
- Obtain summary of situation from officer at scene;
- Check scene security and take steps necessary to correct or improve;
- Review all actions of officers at the scene;
- Initiate investigation from beginning;
- Identify victim.

RECONSTRUCT EVENTS

- Attempt to reconstruct events by use of body position;
- Number and location of wounds;
- Trajectory of bullets;
- Bloodstains and substances;
- Other signs of violence;
- Other physical evidence at scene.

INVESTIGATION

- Assign specific tasks to individual officers;
- Supervise execution of assigned tasks;
- Conduct neighbourhood enquiries;
- Conduct video canvasses;
- Obtain consent or authority for gathering evidence;

- Locate and obtain video surveillance footage;
- Seize computers and electronic devices;
- Obtain passwords and review social media account(s);
- Obtain and review bank records;
- Obtain and review phone records;
- Seize personal items of deceased;
- Obtain and test biological samples;
- Obtain and test familial biological samples;
- Obtain medical and or dental records;
- Request assistance from other police services;
- Request assistance from forensic experts.

PREPARE CASE BOOK

- Investigator's Log;
- Initial and follow-up reports;
- Evidence reports;
- Autopsy Report
- Medical reports;
- Expert opinions;
- Witness statements;
- Video;
- Crime scene diagrams;
- Suspect(s) statement(s);
- Background on suspect(s);
- Background on deceased;
- Photographs;
- Evidence log;
- Disclosure log;
- Report to Crown Counsel.

- 1 National Inquiry into Missing and Murdered Indigenous Women and Girls, “Paths of Inquiry,” <http://www.mmiwg-ffada.ca/wp-content/uploads/2018/05/paths-of-inquiry.pdf>.
- 2 British Columbia, “Provincial Policing Standards,” <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/policing-in-bc/policing-standards>.
- 3 Ibid.
- 4 Cohen, Plecas, and McCormic, “A Comparison of Aboriginal and Non-Aboriginal Missing Persons in British Columbia where Foul Play Has Not Been Ruled Out,” ii.
- 5 British Columbia, “Provincial Policing Standards.”
- 6 Ibid.

Transparency Statement

The National Inquiry into Missing and Murdered Indigenous Women and Girls (the National Inquiry) has established a Forensic Document Review Project as permitted by section 11 of the federal *Inquiries Act*.

The federal terms of reference and those of several other jurisdictions direct the National Inquiry to take into account that the Inquiry process is intended, to the extent possible, to be trauma-informed and respect the persons, families and communities concerned. This includes a trauma-informed, respectful approach to the handling of personal information.

The work of the Forensic Document Review Project is governed by the federal, provincial and territorial legislation, common law, terms of reference, the National Inquiry's *Legal Path: Rules of Respectful Practice* and the principles set out in this Transparency Statement.

Mandate of the Forensic Document Review Project

The Forensic Document Review Project is responsible for conducting a forensic review of police and related institutional files to:

1. identify potential systemic barriers or problems and areas of weakness relating to the protection of Indigenous women, girls, and 2SLGBTQQIA individuals; and,
2. make findings and recommendations about the systemic causes of the disappearances and deaths of Indigenous women, girls, and 2SLGBTQQIA individuals and acts of violence against them.

What Information will the Document Review Team Obtain and Analyze?

The National Inquiry will refer to the Forensic Document Review Project a selection of cases drawn from the cases pertaining to the more than 1,700 families or survivors who have engaged with, or who have registered to engage with the National Inquiry as part of its Community Hearings and Statement Gathering events, with a Statement Gatherer or through artistic expression.

As part of its review of such cases, the Forensic Document Review Project will obtain and analyze related police, coroner and attorney general (Crown counsel) files, as well as court records and other information from relevant institutions.

All information compelled by and produced directly to the Forensic Document Review Project will be kept strictly confidential. It will be used only for the purposes of the Forensic Document Review Project analysis and recommendations, and in accordance with the National Inquiry's terms of reference, the *Legal Path: Rules of Respectful Practice* and applicable law.

What the Forensic Document Review Project Will Do

In accordance with the National Inquiry's Terms of Reference, the mandate of the Forensic Document Review Project and the *Legal Path: Rules of Respectful Practice*, the Forensic Document Review Project **will**:

1. Make specific recommendations about systemic problems, barriers and weaknesses in investigations of:
 - a) reports of missing persons;
 - b) suspicious deaths;
 - c) implausible deaths; and,
 - d) acts of violence against Indigenous women, girls, and 2SLGBTQQIA individuals.
2. Make specific recommendations about systemic problems, barriers and weaknesses with a view to improve coroner practices, police investigations, missing person searches, prosecutions, outcomes and relations between police, prosecutors and coroners, and families, survivors and their communities.
3. In accordance with paragraphs "r." and "s." of the Federal Terms of Reference make recommendations to the Commissioners about:
 - a) opening or re-opening investigations, and which police force, civilian oversight office or other agency should be asked to open or re-open the investigation.
 - b) sending to the appropriate public authorities information that may be used in an investigation or prosecution under the *Criminal Code*.
 - c) sending to the appropriate public authorities information that may relate to misconduct.

What the Forensic Document Review Project will Not Do:

In accordance with the National Inquiry's Terms of Reference, the mandate of the Forensic Document Review Project and the *Legal Path: Rules of Respectful Practice*, the Forensic Document Review Project:

1. disclose publicly any information obtained by the Forensic Document Review Team, except in accordance with the *Legal Path: Rules of Respectful Practice* or as required by law;
2. examine the exercise of prosecutorial discretion by Crown counsel;
3. make specific findings of misconduct in respect to any identifiable person or organization;

4. re-investigate police investigations; or,
5. express conclusions or recommendations about the possible civil or criminal liability of any person or organization.

Rule 49: All evidence, subject to Rule 49.1, shall be categorized and marked P for public sittings and, if necessary, C for sittings in camera, and PB where publication bans are issued. If an anonymity order has been ordered, the fact of the Order will be reflected in the transcript.

Rule 49.1: Information contained in police and other institutional files directly compelled by or produced to the Forensic Document Review Project in response to a request, subpoena or other statutory compulsion from the Forensic Document Review Project shall not be categorized as set out in Rule 49 above and is not subject to disclosure to parties, their representatives, their counsel, and any third party.

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Knowledge Keeper, Expert and Institutional Hearings

List of Exhibits

The Knowledge Keeper, Expert and Institutional Hearings examined the systemic causes of violence against Indigenous women, girls and 2SLGBTQQIA peoples and the policies and practices that are in place to keep women and girls safe. These hearings were conducted differently than the Part 1 Community Hearings where families and survivors shared their truths.

Part II – Institutional Hearings of our Truth-Gathering Process focused on the testimony of those who worked in institutions, while Part III – Knowledge Keeper and Expert Hearings gathered testimony from a wide range of experts including Elders, Knowledge Keepers, academics, legal experts, front-line workers, young people and specialists.

In the Fall of 2018, Part II and Part III hearings were combined under a single theme to hear from a wide range of expertise and personal testimony in the same hearing setting.

The evidence generated within these hearings included exhibits tendered by witnesses that directly contributed to the content of the *Final Report*. This list includes all of those exhibits, with the exception of those exhibits that featured participants' biographies or curriculum vitae.

Winnipeg, Manitoba, August 22-24, 2017: Indigenous Laws & Decolonizing Perspectives

- Exhibit 2:** Prof Tuma Young, "L'nuwita'simk: A Foundational Worldview for a L'nuwey Justice System," *Indigenous Law Journal*, Volume 13, Issue 1 (2016)
- Exhibit 3:** Prof Tuma Young, "L'nuwita'simk: A Foundational Worldview for L'nuwey Justice System" (PowerPoint)
- Exhibit 3:** Val Napoleon and Hadley Friedland, "Indigenous Legal Traditions Core Workshop Materials," including text and original artwork by Dr. Napoleon
- Exhibit 4:** Val Napoleon, "What is Indigenous Law? A Small Discussion"
- Exhibit 5:** "Accessing Justice and Reconciliation, Cree Legal Summary, Cree Legal Traditions Report" (Community partner Aseniwuche Winewak Nation)
- Exhibit 6:** PowerPoint presentation of Drs. Friedland and Napoleon "Indigenous Law, National inquiry into MMIWG," August 22, 2017

Quebec City, Quebec, May 14-17, 2018: Human Rights Framework

- Exhibit A2:** AnânauKatiget Tumingit Regional Inuit Women's Association, "Labrador Inuit Women's Realities: Voices of Women in Nain and Hopedale," September 17, 2013
- Exhibit A3:** AnânauKatiget Tumingit Regional Inuit Women's Association, "Nain and Hopedale Needs Assessment: Increasing Women's Economic Security," Yearly Report NL 11084

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- Exhibit A5:** Inuit Tapiriit Kanatami, “Social Determinants of Inuit Health in Canada,” (September 2014) (revised discussion paper)
- Exhibit A6:** “Why does the Canadian justice system treat aboriginal people as if they’re all the same?” CBC News, article by Kris Statnyk, posted January 1, 2019 08:00 AM CT, last updated January 5, 2015
- Exhibit A7:** Fay Blaney, “Backing out of Hell” in *Bringing it Home: Women Talk about Feminism in Their Lives*, Brenda Lea Brown, ed. (Vancouver, Arsenal Pulp Press, 1996)
- Exhibit A9:** Wendy Stewart, Audrey Huntley and Fay Blaney, “The Implications of Restorative Justice For Aboriginal Women and Children Survivors of Violence: A Comparative Overview of Five Communities in British Columbia,” July 2001
- Exhibit A10:** Aboriginal Women’s Action Network Restorative Justice policy
- Exhibit A11:** Aboriginal Women’s Action Network Statement
- Exhibit A12:** Aboriginal Women’s Action Network Declaration on Prostitution
- Exhibit A13:** PowerPoint presentation displayed during the testimony of Fay Blaney
- Exhibit A15:** “The Broad Implications of the First Nation Caring Society Decision: Dealing a Death-Blow to the Current System of Program Delivery (CSPD) On-Reserve & Clearing the Path to Self-Government,” unpublished work by Naiomi Metallic written as a major paper for her Master of Laws
- Exhibit A16:** Slideshow presented during Professor Naiomi Metallic’s testimony
- Exhibit A17:** New Brunswick Aboriginal Peoples Council, “Nidap Wiquag: Engaging Aboriginal Youth in Addressing Homelessness,” April 2016
- Exhibit A18:** Spirit Bear Plan
- Exhibit A19:** Nunavut Tunngavik Inc., “Annual Report on the State of Inuit Culture and Society (2013-2014): Examining the Justice System in Nunavut”
- Exhibit A20:** Nunavut Shelter Contact information for 25 communities
- Exhibit A21:** 2016 Canadian Census: Inuit Statistics
- Exhibit A22:** Concertation des luttes contre l’exploitation sexuelle pamphlet, “Native Women and Prostitution: A Reality Check”
- Exhibit B2:** Brenda L. Gunn, “Engaging a Human Rights Based Approach to the Murdered and Missing Indigenous Women and Girls Inquiry,” *Lakehead Law Journal* (2017, 2:2)
- Exhibit B3:** *United Nations Declaration on the Rights of Indigenous Peoples*
- Exhibit B4:** “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,” United Nations CEDAW/C/OP.8/CAN/1, published March 30, 2015
- Exhibit B5:** “Concluding observations on the combined eighth and ninth periodic reports of Canada,” United Nations CEDAW/C/CAN/CO/8-9

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- Exhibit B6:** “Concluding observations on the combined twenty-first to twenty-third periodic reports of Canada,” United Nations Committee on the Elimination of Racial Discrimination CERD/C/CAN/CO/21-23
- Exhibit B7:** PowerPoint presentation of Brenda L. Gunn, dated May 16, 2018
- Exhibit B9:** *United Nations Convention of the Rights of the Child*
- Exhibit B10:** “Consideration of reports submitted by States parties under article 44 of the Convention,” Convention on the Rights of the Child CRC/C/CAN/CO/3-4
- Exhibit B11:** Saskatchewan Advocate for Children and Youth, “Shhh...Listen!! We have something to say! Youth Voices from the North”
- Exhibit B12:** Corey O’Soup’s Recommendations, for consideration by the National Inquiry into Missing and Murdered Indigenous Women and Girls”
- Exhibit B13:** Canadian Council of Provincial Child and Youth Advocates, “Aboriginal Children and Youth in Canada: Canada Must Do Better,” June 23, 2010
- Exhibit B16:** Emily Snyder, Val Napoleon and John Borrows, “Gender and Violence: Drawing on Indigenous Legal Resources,” *UBC Law Review* Volume 48:2
- Exhibit B17:** Jean Leclair and Michel Morin, « Peuples autochtones et droit constitutionnel » in *JurisClasseur Québec*
- Exhibit B19:** *International Convention on Civil and Political Rights*, adopted by the General Assembly of the United Nations on 19 December 1966 (No. 14668, Vol. 999)
- Exhibit B20:** *Convention on the Elimination of All Forms of Discrimination against Women*
- Exhibit B21:** *International Convention on the Elimination of All Forms of Racial Discrimination*
- Exhibit B22:** End of mission statement by Dubravka Šimonović, United Nations Special Rapporteur on Violence against women, its causes and consequences – Official visit to Canada
- Exhibit B23:** Janet Mancini Billson, “Shifting gender regimes: The complexities of domestic violence among Canada’s Inuit,” *Études/Inuit/Studies*, Volume 30, Issue 1 (2006)
- Exhibit B24:** World Health Organization and Pan American Health Organization, “Understanding and addressing violence against women: Intimate partner violence”
- Exhibit B25:** Judy Sheperd, “Where Do You Go When It’s 40 Below? Domestic Violence Among Rural Alaska Native Women,” *Afilia*, Volume 16, Issue 4 (2001)
- Exhibit B26:** Pertice Mofitt and Heather Fikowski, “Hearing about the Realities of Intimate Partner Violence in the Northwest Territories from Frontline Service Providers,” Northwest Territories Research Project Report for Territorial Stakeholders Final Report, 2017
- Exhibit B27:** *American Declaration on the Rights of Indigenous Peoples* – adopted at the third plenary session, held on June 15, 2016
- Exhibit B28:** Inuit Tapiriit Kanatami Position Paper Implementing the UN Declaration on the Rights of Indigenous Peoples in Canada
- Exhibit B29:** Inuit Tapiriit Kanatami, “Implementing the UN Declaration on the Rights of Indigenous Peoples in Canada through comprehensive legislation,” April 2017

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- Exhibit B30:** “Brother of missing Inuk woman questions police investigation” CBC News article by Stu Mills posted June 13, 2017 5:00 AM ET, last updated June 13, 2017
- Exhibit B31:** Maria Chow and Delise Pitman, “Truth and Reconciliation addressed in current curriculum,” Ministry of Education Briefing Note, created June 17, 2015 revised May 16, 2018
- Exhibit B32:** “A Strategic Framework to End Violence against Aboriginal Women” prepared by the Ontario Native Women’s Association and the Ontario Federation of Indian Friendship Centres, September 2007
- Exhibit B33:** Ontario Federation of Indian Friendship Centres / Métis Nation of Ontario / Ontario Native Women’s Association, “Aboriginal Sexual Violence Action Plan,” 2011
- Exhibit B34:** *Principles relating to the Status of National Institutions*, The Paris Principles, adopted by General Assembly resolution 48/134 of 20, December 1993

Calgary, Alberta, May 28-June 1, 2018: Government Services

- Exhibit 2:** “Overview of the Public Prosecution of Canada Crown Witness Coordinator (CWC) Program
- Exhibit 3:** *Canadian Victims Bill of Rights (CVBR) Common Checklist*
- Exhibit 4:** Public Prosecution of Service Canada Deskbook Chapter 5.6, “Victims of Crime,” (January 15, 2017), Directive of the Attorney General Issued Under Section 10(2) of the Director of Public Prosecutions Act
- Exhibit 5:** Memorandum of Understanding Between Royal Canadian Mounted Police “G” Division and Government of the Northwest Territories on behalf of Victim Services Programs of the Northwest Territories, signature date 2018-10-03
- Exhibit 6:** Northwest Territories Victim Services Program, “A Framework for Enhancing Victim Services in the NWT: 2016-2021 – Interim report for the period April 1, 2016-March 31, 2017,” Federal project # 8396493, dated June 15, 2015
- Exhibit 7:** Northwest Territories Department of Justice, Community Justice and Policing – Victim Services, Victim Impact Statement (Form 34.2)
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- Exhibit 9:** Northwest Territories Department of Justice, Community Justice and Policing – Victim Services, Statement on Restitution (Form 34.1)
- Exhibit 10:** Victims Assistance Committee (VAC) of the Northwest Territories, Victims Assistance Fund Application Guidelines (approved June 2000)
- Exhibit 11:** Government of the Northwest Territories, “Staying Safe” booklet (April 2017)
- Exhibit 12:** Government of Northwest Territories, “NWT Victim Services” pamphlet (April 2017)
- Exhibit 14:** Department of Justice Canada, Overview of Family Information Liaison Units
- Exhibit 15(a):** Department of Justice, Research and Statistics Division, Victim Services in Canada (2018)

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- Exhibit 15(b):** Ministère de la Justice du Canada, Division de la recherche et de la statistique, Les services d'aide aux victimes au Canada (2018)
- Exhibit 17:** Saskatchewan Provincial Partnership Committee on Missing Persons, “Agency Response Guide to Missing Person Situations in Saskatchewan” (March 3, 2017 version)
- Exhibit 18:** “Media Relations: A Toolkit for Families”
- Exhibit 19:** Provincial Partnership Committee on Missing Persons (PPCMP), Progress Report 2007-2018
- Exhibit 20:** Government of Saskatchewan, “Part II: Institutional Hearings on Government Services – Panel on Victim Services” dated May 18, 2018
- Exhibit 21:** Saskatchewan Ministry of Justice, Saskatchewan Domestic Violence Death Review Interim Report, Pilot – Phase 1 (May 2017)
- Exhibit 22:** Saskatchewan Ministry of Justice, Saskatchewan Domestic Violence Death Review Final Report, (May 24, 2018)
- Exhibit 23:** Justice Canada Public Prosecution Service, “Crown Witness Coordinator Program Sub-Study: Final Report,” (March 29, 2010)
- Exhibit 25:** Indigenous Services Canada, “Overview of the First Nations and Inuit Health Branch Context and Select Key Activities Related to Violence against Indigenous Women and Girls”
- Exhibit 26:** Indigenous Services Canada, First Nations and Inuit Health Branch, “What We Do”
- Exhibit 27:** Health Canada, First Nations and Inuit Health Branch, “Guidelines for the FNIHB eHealth Infostructure Program (eHIP),” (March 2016), ISBN: 978-1-100-5406401
- Exhibit 28:** Health Canada, First Nations Mental Wellness Continuum Framework (January 2015), ISBN: 978-1-100-25327-5
- Exhibit 29:** Health Canada, Indian Residence Schools Resolution Health Support Program Policy Framework (June 2014)
- Exhibit 30:** Government of Canada, Non-Insured Health Benefit Program & Indian Residence Schools Resolution Health Support Program, “Guide to Mental Health Counselling Services” (March 2018, last dated modified April 20, 2018)
- Exhibit 31:** Health Canada, “Honouring Our Strengths: A Renewed Framework to Address Substance Use Issues Among First Nations People in Canada” (2011), ISBN: 978-1-100-19331-1
- Exhibit 32:** Health Canada, First Nations and Inuit Component of Victims of Family Violence (VoFV) Investments, ISBN: 978-0-660-03153-8
- Exhibit 33:** Government of Manitoba, Sexual Exploitation Unit, Child Protection Branch, Tracia’s Trust: Manitoba Sexual Exploitation Strategy brochure
- Exhibit 34:** Native Women’s Association of Canada/Canadian Women’s Foundation, Sexual Exploitation and Trafficking of Aboriginal Women and Girls, Literature Review and Key Informant Interviews (March 2014)
- Exhibit 35:** Canadian Women’s Foundation, “No more: Ending Sex-Trafficking in Canada,” Report of the National Task Force on Sex Trafficking of Women and Girls in Canada (Fall 2014)
- Exhibit 36:** CBC News, “Montreal boarding home for Nunavik medical patients over capacity since opening,” posted July 25, 2017 12:25 CT, last updated July 25, 2017

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- Exhibit 37:** Eric Latimer, François Bordeleau et Christian Méthot, Institut universitaire en santé mentale Douglas du Centre intégré universitaire en santé et services sociaux de l'Ouest-de-l'Île de Montréal, « Besoins exprimés et préférences en matière de logement des utilisateurs autochtones de ressources communautaires sur l'île de Montréal » (février 2018)
- Exhibit 38:** Eric Latimer, François Bordeleau & Christian Méthot, Institut universitaire en santé mentale Douglas du Centre intégré universitaire en santé et services sociaux de l'Ouest-de-l'Île de Montréal, “Housing needs and preferences of Indigenous people using community resources in Montreal,” (abridged version, February 2018)
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- Exhibit 41(a):** Elizabeth Fast, Stephen Puskas, Vicky Boldo and Rachel Deutsch for the Montreal Urban Aboriginal Community Strategy Network, “Indigenous Cultural Awareness Guide for the SPVM” (2016)
- Exhibit 41(b):** Elizabeth Fast, Stephen Puskas, Vicky Boldo et Rachel Deutsch pour le Réseau pour la stratégie de la communauté autochtone urbaine à Montréal, Guide de sensibilisation à la culture autochtone à l'intention du SPVM (2016)
- Exhibit 42(a):** Montreal Urban Aboriginal Community Strategy Network, “Cultural manual for foster and adoptive parents of Aboriginal children”
- Exhibit 42(b):** Réseau pour la stratégie urbaine de la communauté autochtone à Montréal Manuel culturel pour les parents d'accueil et adoptifs d'enfants autochtones
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- Exhibit 47:** “Briefing note on Awo Taan Healing Lodge Society Women’s Emergency Shelter Evaluation”
- Exhibit 48:** Aboriginal Shelters of Ontario – “MMIWG Survey Report: National Inquiry into Missing and Murdered Indigenous Women and Girls”
- Exhibit 49:** Aboriginal Shelters of Ontario – “Aboriginal Family Violence in Ontario Needs Assessment (final version, December 2014)
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- Exhibit 51:** Ganohkwasra Family Assault Support Services Youth Lodge brochure: “My Home on Turtle Island”
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- Exhibit 4:** Clare C. Brant, M.D., “Native Ethics and Rules of Behaviour,” *Canadian Journal of Psychology* Volume 35, August 1990.
- Exhibit 5:** Maddalena Genovese, Davina Rousell and The Two Spirit Circle of Edmonton Society, “Safe and Caring Schools for Two Spirit Youth: A Guide for Teachers and Student” (2011) ISBN: 978-0-9810494-0-3
- Exhibit 6:** First Nations Centre, National Aboriginal Health Organization, “Suicide Prevention and Two-Spirited People,” (2012), ISBN: 978-1-926543-79-6
- Exhibit 7:** Two-Spirited People of Manitoba media release “Two-Spirit Human Rights Rally at AFN Special Assembly,” Winnipeg Manitoba, December 8, 2014
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- Exhibit 19:** Opinion article “Racism in health system: Expert Working Group gets at factor sidelined at Sinclair inquest” by Annette Browne, *Winnipeg Free Press*, posted at 1:00 a.m. June 13, 2014
- Exhibit 20:** “Ignored to death: Brian Sinclair’s death caused by racism, inquest inadequate, group says,” *CBC News*, September 18, 2017

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- Exhibit 23:** Goodman et al., “‘They treated me like crap and I know it was because I was Native’: The healthcare experiences of Aboriginal peoples living in Vancouver’s inner city,” *Social Sciences & Medicine* Volume 178, 2017
- Exhibit 24:** Indigenous Health Working Group of the College of Family Physicians of Canada and Indigenous Physicians Association of Canada, Fact sheet “Health and Health Care Implications of Systemic Racism on Indigenous Peoples in Canada,” February 2016
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- Exhibit 30:** Saskatchewan Police Service, Brief re: “Human Rights Watch Investigation into Police Treatment of Indigenous Women and Girls in Saskatchewan,” addressed to Chief Clive Weighill, dated January 3, 2017
- Exhibit 31:** Human Rights Watch, “Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada,” 2013
- Exhibit 33:** Marie Battiste, “Nourishing the Learning Spirit,” *Education Canada* pp. 14-18
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- Exhibit 45:** Verdict of Coroner’s Jury, Office of the Chief Coroner, names of the deceased: Jethro Anderson, Curran Strang, Paul Panacheese, Robyn Harper, Reggie Bushie, Kyle Morrisseau, Jordan Wasasse; Coroner for Ontario: Dr. David Eden, verdict received June 28, 2016, held at Thunder Bay
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- Exhibit 50:** “Schools Aid White Plague: Startling Death Rolls Revealed,” *The Evening Citizen*, Ottawa, November 15, 1907
- Exhibit 51:** P.H. Bryce, M.A., M.D., “The Story of a National Crime: An Appeal for Justice to the Indians of Canada,” 1922
- Exhibit 52:** “Indian Residential Schools: A research study of the child care programs of nine residential schools in Saskatchewan, prepared for the Department of Indian Affairs and Northern Development, project director George Caldwell, January 31, 1967
- Exhibit 53:** R. Alex Sim, “The Education of Indians in Ontario: A Report to the Provincial Committee on Aims and Objectives of Education in the Schools of Ontario,” April 1967
- Exhibit 54:** by Dr. Rose-Alma J. McDonald, Dr. Peter Ladd et al., First Nations Child and Family Services Joint National Policy Review, Final Report, June 2000, ISBN: 0-919682-08-01
- Exhibit 55 (a):** “Wen-De The Journey Continues,” The National Policy Review on First Nations Child and Family Services Research Project: Phase Three, First Edition, by J. Loxley, L. DeRiviere, T. Prakash, C. Blackstock, F. Wien & S. Thomas Prokop, 2005, ISBN: 0-9732858-3-4
- Exhibit 55 (b):** “Wen-De, We Are Coming to the Light of Day,” First Nations Child and Family Caring Society of Canada, 2005
- Exhibit 55 (c):** John Loxley, Fred Wien and Cindy Blackstock, “Bridging Econometrics and First Nations Child and Family Service Agency Funding: Phase One Report,” Report to the National Policy Review National Advisory Committee, December 2004
- Exhibit 56:** 2008 Report of the Auditor General of Canada to the House of Commons, Chapter 4: First Nations Child and Family Services Program – Indian and Northern Affairs Canada
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- Exhibit 59:** “Consideration of reports submitted by States parties under article 44 of the Convention – Concluding observations: Canada,” United Nations Convention on the Rights of the Child, October 5, 2012 advance unedited version, CRC/C/CAN/CO/3-4
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- Exhibit 6:** Relationship Building Protocol between the Assembly of First Nations and the Royal Canadian Mounted Police signed July 12, 2016
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- Exhibit 17:** John Kiedrowski, Michael Petrunik and Rick Ruddell, Public Safety Canada Research Report “Illustrative Case Studies of First Nations Policing Program Models,” 2016-R014, ISBN: 978-0-660-06708-7
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- Exhibit 21:** News article “First Nations policing slammed by auditor general,” *Canadian Press*, posted May 6, 2014 11:17 a.m. ET, last updated May 7, 2014
- Exhibit 22:** Nicholas A. Jones, Robert G. Mills, Rick Ruddell, Kaitlan Quinn, Collaborative Centre for Justice and Safety, “Policing First Nations: Community Perspectives,” January 26, 2016
- Exhibit 23:** John Kiedrowski, Michael Petrunik and Rick Ruddell in *Police Practice and Research*, “Set up to fail?” An analysis of self-administered Indigenous police services in Canada,”
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- Exhibit 53:** NWAC Statement “CACP and NWAC Announce Collaboration – Missing and Murdered Aboriginal Women,” September 30, 2014
- Exhibit 54:** Canadian Association of Chiefs of Police (CACP) Media release “CACP Statement of RCMP’s ‘Missing and Murdered Aboriginal Women – 2015 Update to the National Operational Overview’”
- Exhibit 55:** CACP Media release “Police Leaders/Indigenous Representatives Seek Common Ground on Solutions for Safer Communities”
- Exhibit 56:** Norm Taylor, *CACP Bulletin*, “An Inclusive Dialogue with Indigenous Canadians: Moving forward from Winnipeg,” Summer 2016, pp. 8-9
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- Exhibit 63:** Two news articles 1) “Saskatoon police pilot program looks to find root causes of youth runaways” and 2) “Operation Runaway Still in Business”
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- Exhibit 76:** Series of five news articles, 1) “Monument to missing and murdered Indigenous women unveiled at emotional ceremony,” *Saskatoon StarPhoenix*, dated May 5, 2017; 2) “Emotional ceremony in Saskatoon honours missing and murdered Indigenous women,” *Global News*, dated May 5, 2017; 3) “Monument to MMIW unveiled at Saskatoon Police headquarters” *EagleFeatherNews*, dated May 8, 2017; 4) “Statue will be ‘place of calm,’ mother of murdered Indigenous woman says” *CTV Saskatoon*, dated May 5, 2017; 5) “Statue honouring missing and murdered Indigenous women unveiled in Saskatoon” *CBC News*, dated May 5, 2017
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- Exhibit 8:** “QTC Final Report: Achieving Saimaqatiqiingniq,” in *Qikiqtani Truth Commission Thematic Reports and Special Studies 1950-1975*, published April 2014, ISBN: 978-1-927095-63-8
- Exhibit 9:** *Qikiqtani Truth Commission Thematic Reports and Special Studies 1950-1975*, published April 2014, ISBN: 978-1-927095-63-8
- Exhibit 10:** *Qikiqtani Truth Commission Thematic Reports and Special Studies 1950-1975*, published April 2014, ISBN: 978-1-927095-65-1
- Exhibit 11:** *Qikiqtani Truth Commission Community Histories 1950-1975*, published in 2013, ISBN: 978-1-927095-62-1
- Exhibit 12:** *Qikiqtani Truth Commission Community Histories 1950-1975*, published in 2013, ISBN: 978-1-927095-62-1
- Exhibit 13:** Qikiqtani Truth Commission, Final Report – Recommendations 1-25
- Exhibit 15:** Dr. Billie Allan and Dr. Janet Smylie, Well Living House/Wellesley Institute, Executive Summary of “First Peoples, Second Class Treatment, The role of racism in the health and well-being of Indigenous peoples in Canada,” 2015
- Exhibit 16:** Brenda Macdougall, National Collaborating Centre for Indigenous Health, “Land, Family and Identity: Contextualizing Metis health and Well-being,” 2017
- Exhibit 17:** Dr. Janet Smylie, Maritt Kirst, Kelly McShane, Michelle Firestone, Sara Wolfe, Patricia O’Campo, “Understanding the role of Indigenous community participation in Indigenous prenatal and infant-toddler health promotion programs in Canada: A realist review,” *Social Science & Medicine* 150, 2016
- Exhibit 18:** Brad Anderson and Cheryl Ward, Power Point presentation “Operationalizing Quality: Creating an Organizational Cultural Safety Framework,” March 1, 2017

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- Exhibit 19:** Power Point presentation: “Strength-Based Approaches to Optimizing Indigenous Health and Wellbeing: Expert Witness Testimony, National Inquiry MMIWG,” September 11 & 12, 2018
- Exhibit 20:** Dr. Janet Smylie’s Recommendations
- Exhibit 23:** “Violence on the Land, Violence on our Bodies: Building an Indigenous Response to Environmental Violence”
- Exhibit 24:** Pauktuutit Inuit Women of Canada, “The Impact of Resource Extraction on Inuit Women and Families in Qamani’tuaq, Nunavut Territory,” report prepared for the Canadian Women’s Foundation, 2016
- Exhibit 25:** T.J. Lightfoot & Andrea Bear Nicholas, “Predators without Reprisal: Abuse of Native Women,” December 8, 2008
- Exhibit 26:** Andrea Bear Nicholas, “Linguicide: Submersion education and the killing of languages in Canada,” published in *Briarpatch Magazine* March 1, 2011/printed September 12, 2018
- Exhibit 28:** Alex Abramovich and Jama Shelton, Canadian Observatory on Homelessness, “Where am I going to go? Intersectional approaches to ending LGBTQ2S Youth Homelessness in Canada and the U.S.,” 2017
- Exhibit 29:** Jeffrey McNeil-Seymour, “Chapter 5 – Cross-Dancing as Culturally Restorative Practice,” in *Gender and sexual diversity: social work practice, policy, research and pedagogy*, N.J. Mule, J.O. O’Neill, J.O. & T.A. Swan (Eds.), 2015 (pp. 87-95)
- Exhibit 30:** Jeffrey McNeil-Seymour, “Chapter Eight: Indigenizing the Gay Agenda: Notes on Cultural Relativism and Homonationalism from the Colonial Margins,” *Counterpoints*, Vol. 437, 2014 (pp. 139-154)
- Exhibit 31:** “Beyond at Risk: Indigenous Youth Speak to Service Providers” Research Project
- Exhibit 32:** Power Point presentation: “Decolonized Classrooms as places we come to learn and cry: Evidence from Secwepemc Territory and the Power of Vulnerable, Authentic and Brave Spaces of (un)Learning”
- Exhibit 33:** Rainbow Health Ontario Evidence Brief “Two-Spirit and LGBTQ Indigenous Health”

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- Exhibit 1:** Will-say of Nishnawbe-Aski Police Board Chair Mike Metatawabin and Chief Terry Armstrong
- Exhibit 4:** Set of ten Nishnawbe Aski Resolutions
- Exhibit 5:** Ipperwash Inquiry Recommendations (pp. 95-113)
- Exhibit 6:** Goodwin & Wesley Inquest, Verdict of Coroner’s Jury & Recommendations, both verdicts received May 21, 2009
- Exhibit 7:** Anderson Inquest, Verdict of Coroner’s Jury & Recommendations, verdict received November 10, 2016
- Exhibit 8:** Report of the Auditor General of Canada: “Chapter 5: First Nations Policing Program – Public Safety Canada,” spring 2014
- Exhibit 9:** Nishnawbe Aski Nation Public Safety Notice, dated February 19, 2013

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- Exhibit 10:** Bill 175, Legislative Assembly of Ontario, 2nd Session, 41st Legislature, Ontario, 67 Elizabeth II, 2018
- Exhibit 11:** *Police Services Act*, R.S.O. 1990, Chapter P.15, Consolidation Period: From May 8, 2018 to the e-Laws currency date, last amendment: 2018, c. 8, Sched. 24.
- Exhibit 12:** PowerPoint presentation 1: “NAN / NAPS History: Overview,” dated September 16, 2018
- Exhibit 13:** PowerPoint presentation 2: “No Partner No Radio”
- Exhibit 14:** PowerPoint presentation 3: “NAN/NAPS Pursuit of Indigenous Policing Backed by the Rule of Law”
- Exhibit 17:** “No More Stolen Sisters: The Need for a Comprehensive Response to Discrimination and Violence Against Indigenous Women in Canada,” Amnesty International Publications, 2009, Index: AMR 20/012/2009
- Exhibit 18:** “Canada Stolen Sisters: A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada,” Amnesty International Publications, October 2004, Index: AMR 20/003/2004
- Exhibit 19:** “Out of Sight, Out of Mind: Gender, Indigenous Rights and Energy Development in Northeast British Columbia, Canada,” Amnesty International Publications, 2016, Index: AMR 20/4872/2016
- Exhibit 21:** “STR8 Up – A History: From Despair to Hope
- Exhibit 24:** “Women and the Canadian Legal System: Examining Situations of Hyper-Responsibility,” in *Canadian Woman Studies/Les cahiers de la femme* (pp. 94-104)
- Exhibit 25:** *Annual Report 2016-2017*, Office of the Correctional Investigator, ISBN: 0383-4379
- Exhibit 26:** “Marginalized: The Aboriginal Women’s Experience in Federal Corrections,” in *Aboriginal Peoples Collection*, APC 33 CA, 2012, ISBN No.: 978-1-100-19947-4
- Exhibit 27:** “Commission of Inquiry into certain events at the Prison for Women in Kingston,” Public Works and Government Services Canada, 1996, ISBN 0-662-24355-2
- Exhibit 28:** Final report “Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act,” Office of the Correctional Investigator, October 22, 2012, ISBN: 978-1-100-21908-0
- Exhibit 29:** “Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women,” Canadian Human Rights Commission, December 2003
- Exhibit 30:** Letter to Okimaw Ohci Healing Lodge from Sue Delanoy, Canadian Association of Elizabeth Fry Societies Regional Advocate, July 10, 2018
- Exhibit 31:** “Women-Centered Corrections: Creating Choices for Federally Sentenced Women or a Continuation of Paternalistic Practices?” Master of Arts (Sociology) thesis of Jeanne Marie Greenough, 1999
- Exhibit 32:** “Indigenous Women in Solitary Confinement: Policy Backgrounder,” Native Women’s Association of Canada, August 2017
- Exhibit 33:** Statement by Commissioner Anne Kelly on Correctional Service of Canada mandate letter
- Exhibit 34:** Submission prepared by the Canadian Association of Elizabeth Fry Societies, February 2018

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- Exhibit/Pièce 36:** Powerpoint de Renée Brassard a) “Aboriginal Women and the Criminal Justice System” version anglaise (19 slides) b) « Les femmes autochtones et le système de justice pénale » French version
- Exhibit/Pièce 37 :** « L'expérience de l'enfermement carcéral des femmes autochtones au Québec » Renée Brassard, *Revue femmes et droit/Canadian Journal of Women and the Law*, Volume 17 (pp. 311-340)
- Exhibit/Pièce 38:** “Diversity of Roles Played by Aboriginal Men in Domestic Violence in Quebec,” Ellington, Brassard & Montminy, *International Journal of Men's Health*, Vol. 14, No. 3, Fall 2015, (pp. 287-300)
- Exhibit/Pièce 39:** Montminy, Brassard, Jaccoud, Harper, Bousquet & Leroux, « Pour une meilleure compréhension des particularités de la violence familiale vécue par les femmes autochtones au Canada » *Nouvelles pratiques sociales*, Volume 23, numéro 1, automne 2010 (pp. 53-66)
- Exhibit/Pièce 40:** Brassard, Montminy, Bergeron & Sosa-Sanchez, “Application of Intersectional Analysis to Data on Domestic Violence Against Aboriginal Women Living in Remote Communities in the Province of Quebec,” *Aboriginal Policy Studies* Vol. 4, no. 1, 2015 (pp. 3-23)
- Exhibit/Pièce 41:** “Painting the Prison ‘Red’: Constructing and Experiencing Aboriginal Identities in Prison,” Martel & Brassard, *British Journal of Social Work* (2006) advance access copy published October 31, 2006 (pp. 1-22)
- Exhibit/Pièce 42:** Renée Brassard, Lise Giroux, Dave Lamoth-Gagnon « Profil correctionnel 2007-2008 : Les Autochtones confiés aux Services correctionnels » Direction de la recherche des Services correctionnels, Québec, Services correctionnels, Ministère de la Sécurité publique, 2008
- Exhibit 43:** Bernard Chéné, « Profil des Autochtones confiés aux services correctionnels en 2015-2016 » Direction générale des services correctionnels, Québec, Ministère de la Sécurité publique, 2018
- Exhibit 44:** Renée Brassard, Myriam Spielvogel & Lyse Montminy, « Analyse de l'expérience de la violence conjugale et familiale d'hommes autochtones au Québec » Centre de recherche interdisciplinaire sur la violence familiale et la violence faite aux femmes, March 2017
- Exhibit 45:** Lyse Montminy et Renée Brassard, « La violence conjugale/familiale et les femmes autochtones : un état des lieux et des interventions » Mai 2017
- Exhibit 46:** Mylène Jaccoud et Renée Brassard, « Savoirs criminologiques et autochtonie » *Médecine et Hygiène* « Déviance et Société », 2008/4 Vol. 32 (pp. 395-409)
- Exhibit 47:** Catherine Flynn, Geneviève Lessard, Lyse Montminy et Renée Brassard, « Sortir la violence de sa vie, sans sortir de l'autochtonie : l'importance de mieux comprendre les besoins des femmes autochtones en milieu urbain », *alterstice : Revue Internationale de la Recherche Interculturelle*, Vol. 3 no. 2, 2013 (pp. 38-50)
- Exhibit 48:** Thèse de doctorat de Renée Brassard « L'expérience et les effets de l'enfermement carcéral des femmes autochtones au Québec » février 2005
- Exhibit 49:** Joane Martel, Renée Brassard et Mylène Jaccoud, « When Two Worlds Collide: Aboriginal Risk Management in Canadian Corrections, » *The British Journal of Criminology* Vol. 51, 2011 (pp. 235-255)
- Exhibit 50:** “The Role of Languages and Culture in the Promotion and Protection of the Rights and Identity of Indigenous Peoples: A Summary of UNESCO’s Key Instruments, Programmes and Resources” 2012

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- Exhibit 51:** United Nations Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/OP.8/CAN/1, general distribution March 30, 2015
- Exhibit 52:** Canada Stolen Sisters, “Discrimination and Violence Against Indigenous Women in Canada: A Summary of Amnesty International’s Concerns,” October 2004

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- Exhibit 2:** Recommendations taken from the can-say of Cora Morgan
- Exhibit 3:** Joëlle Pastora Sala & Byron Williams / Public Interest Law Centre, “Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls,” prepared for the Assembly of Manitoba Chiefs, July 21, 2015
- Appendix A: “Questions for Families, MMIWG Coalition, One-on-One Interviews”
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- Exhibit 5:** “Grandmothers Counsel Statement of Action on Child Welfare”
- Exhibit 6:** Final report “Keewaywin Engagement - Manitoba First Nations Child and Family Services Reform,” prepared by the Assembly of Manitoba Chiefs & First Nations Family Advocate Office, September 2017
- Exhibit 7:** Report: “Lifting Up Children: Manitoba First Nations Open Forum on Child Welfare”
- Exhibit 8:** Final report “Keewaywin Engagement – Manitoba First Nations Jordan’s Principle Implementation,” prepared by the Assembly of Manitoba Chiefs & First Nations Family Advocate Office, September 2017
- Exhibit 9:** First Nations Family Advocate Office report, 2017
- Exhibit 10:** Final report “Setting the Foundation for Change: A Strategy towards First Nations’ Jurisdiction of Child Welfare in Manitoba,” Assembly of Manitoba Chiefs Women’s Council, March 2018
- Exhibit 12:** Umingmak Child and Youth Protection Centre needs assessment report, Arctic Children and Youth Foundation, 2014-2015
- Exhibit 13:** “Umingmak Child & Youth Protection Centre – Feasibility Study Report,” June 2015
- Exhibit 14:** Sidney Horlick & Gwen Healey/Qaujigiartiit Health Research Centre, “Peer Victim Support Training Program/Peer Leader Mental Health Training Program - Program Evaluation,” December 2017
- Exhibit 15:** Umingmak Child and Youth Support Centre Working Group terms of reference, version 1.0, March 15, 2018
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- Exhibit 19:** Bombay et al., “Suicidal Thoughts and Attempts in First Nations Communities: Links to Parental Indian Residential School Attendance across Development,” *Journal of Developmental Origins of Health and Disease*, article accepted May 6, 2018
- Exhibit 20:** Amy Bombay, “Origins of Lateral Violence in First Nations Communities: A Preliminary Study of Student-to-Student Abuse in Residential Schools” report for the Aboriginal Healing Foundation, 2014
- Exhibit 21:** Bombay, Matheson & Anisman, “The intergenerational effects of Indian Residential Schools: Implications for the concept of historical trauma,” *Transcultural Psychiatry*, Volume 51(3) 2014, online version published May 22, 2014 (pp. 320-338)
- Exhibit 22:** McQuaid, Bombay, Arilla McInnis, Humeny, Matheson & Anisman, “Suicide Ideation and Attempts among First Nations Peoples Living On-Reserve in Canada: The Intergenerational and Cumulative Effects of Indian Residential Schools,” *The Canadian Journal of Psychiatry*, 2017 (pp. 1-9)
- Exhibit 23:** Bombay, Matheson & Anisman, “The impact of stressors on second generation Indian residential school survivors,” *Transcultural Psychiatry* 48(4), 2011 (pp. 367-391)
- Exhibit 24:** “Just Societies: Health Equity and Dignified Lives: Executive Summary of the Commission of the Pan American Health Organization on Equity and Health Inequalities in the Americas,” Pan American Health Organization 2018, ISBN: 978-92-75-12021-7
- Exhibit 25:** “Safe with Intervention: The Report of the Expert Panel on the Deaths of Children and Youth in Residential Placements,” September 2018
- Exhibit 26:** Cindy Blackstock for the Northwest Territories Committee on Social Programs, Advisory report “I Want to Grow Up in My Community: A Review of the Child and Family Services Act,” April 27, 2010
- Exhibit 27:** Recommendations by Dr. Cindy Blackstock
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- Exhibit 35:** “Overview of the Child Critical Injury and Death Investigation and Review Process in British Columbia,” February 2008
- Exhibit 36:** Mary Ellen Turpel-Lafond, Representative for Children and Youth, “Final Progress Report on the Implementation of the Recommendations of the BC Children and Youth Review (‘Hughes Review’),” November 29, 2010
- Exhibit 37:** “Aboriginal Children and Youth in Canada: Canada Must Do Better,” Canadian Council of Provincial Child and Youth Advocates, June 23, 2010

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- Exhibit 38:** Mary Ellen Turpel-Lafond, Representative for Children and Youth, Special Report “When Talk Trumped Service: A Decade of Lost Opportunity for Aboriginal Children and Youth in B.C.,” November 2018
- Exhibit 39:** Mary Ellen Turpel-Lafond, Representative for Children and Youth, Aggregate Report “Too Many Victims: Sexualized Violence in the Lives of Children and Youth in Care,” October 2016
- Exhibit 40:** Mary Ellen Turpel-Lafond, Representative for Children and Youth, “Paige’s Story: Abuse, Indifference and a Young Life Discarded,” May 2015
- Exhibit 41:** by Mary Ellen Turpel-Lafond, Representative for Children and Youth, Special report “Approach With Caution: Why the Story of One Vulnerable B.C. Youth Can’t be Told,” May 2016
- Exhibit 42:** British Columbia’s Provincial Domestic Violence Plan, second annual report, Provincial Office of Domestic Violence, 2016
- Exhibit 43:** Mary Ellen Turpel-Lafond, Representative for Children and Youth, “On Their Own: Examining the Needs of B.C. Youth as They Leave Government Care,” April 2014
- Exhibit 44:** Mary Ellen Turpel-Lafond, Representative for Children and Youth, Investigative Report “Lost in the Shadows: How a Lack of Help Meant a Loss of Hope for One First Nations Girl,” February 2014
- Exhibit 45:** Mary Ellen Turpel-Lafond, Representative for Children and Youth, Investigative Report “Children at Risk: The Case for a Better Response to Parental Addiction” June 2014
- Exhibit 46:** Mary Ellen Turpel-Lafond, Representative for Children and Youth, Aggregate review “Trauma, Turmoil and Tragedy: Understanding the Needs of Children and Youth at Risk of Suicide and Self-Harm,” November 2012
- Exhibit 47:** Mary Ellen Turpel-Lafond, Representative for Children and Youth, “Fragile Lives, Fragmented Systems: Strengthening Supports for Vulnerable Infants – Aggregate Review of 21 Infant Deaths,” January 2011
- Exhibit 48:** Mary Ellen Turpel-Lafond, Representative for Children and Youth, “Not Fully Invested: A Follow-up Report on the Representative’s Past Recommendations to Help Vulnerable Children in B.C.,” October 9, 2014
- Exhibit 49:** “A By-Law for the Care of Our Indian Children: Spallumcheen Indian Band By-Law # 3 – 1980”
- Exhibit 51:** Powerpoint “Justice on the Land: Violence, Resistance and the Power in Language”
- Exhibit 52:** Linda Coates & Allan Wade in Journal of Family Violence, “Language and Violence: Analysis of Four Discursive Operations,” Volume 22, 2007 (pp. 511-522)
- Exhibit 53:** “Becoming Better Helpers”
- Exhibit 54:** Cathy Richardson, University of Victoria, “Indigenous Women, RCMP and Service Providers Work Together for Justice: A Response-based Safety Collaboration in the Yukon,” April 2013
- Exhibit 55:** Catherine Richardson/Kinewesquao, “Creating Islands of Safety for Victims of Violence: A Critical Systems Approach,” *Systemic Therapy as Transformative Practice* (pp. 250-268)

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- Exhibit 56:** Linda Coates and Allan Wade, Centre for Response-Based Practice, “Analysis of Emergency Protection Order Hearings in the NWT: An Analysis and Report Commissioned by the GNWT,” submitted October 13, 2010
- Exhibit 57:** “Dignity Driven Practice,” print date September 5, 2018

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- Exhibit 2:** House of Commons Standing Committee on Justice and Human Rights, Number 87, 1st Session, 42nd Parliament, February 15, 2018
- Exhibit 3:** Overview of the Testimony of Assistant Commissioner Joanne Crampton, Royal Canadian Mounted Police, October 15, 2018
- Exhibit 4:** RCMP National Strategy to Combat Human Trafficking (2012), ISBN 978-1-100-21584-6
- Exhibit 5:** “Domestic Human Trafficking for Sexual Exploitation in Canada,” prepared by The Human Trafficking National Coordination Centre, dated October 2013
- Exhibit 6:** RCMP Law Enforcement Toolkit on Human Trafficking, comprising an introductory letter, a DVD, two brochures, one operational police officer’s handbook, seven posters, fact sheets # 3-6, an FAQ, a Canadian Border Services Agency one-page information sheet & a one-pager from Immigration, Refugees & Citizenship Canada
- Exhibit 7:** Youth Toolkit on Human Trafficking, comprising an introductory letter, a DVD, two brochures, two posters, fact sheets # 3-7, a user guide, an FAQ & a parent help sheet
- Exhibit 8:** General Public Toolkit on Human Trafficking, comprising an introductory letter, a DVD, two brochures, seven posters, fact sheets # 3-7, a user guide, an information sheet, a one-pager from Immigration, Refugees & Citizenship Canada & an FAQ
- Exhibit 9:** Five posters from RCMP “I’m Not For Sale” initiative
- Exhibit 10:** “Operation Love Bomb: Utilizing the Power of Art as a Crime Prevention Tool,” prepared by Corporal Sue Harvey, High Level RCMP, updated version October 12, 2018
- Exhibit 11:** RCMP Operational Manual Chapter 7.5. “Human Trafficking,” amended version dated December 19, 2012
- Exhibit 14:** “Human Trafficking in 2018 – Current Policing Landscape”
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- Exhibit 19:** Recommendations proposed by the Ontario Provincial Police with respect to Human Trafficking
- Exhibit 21:** “Organization of Victims Services in Ontario,” Ontario Ministry of the Attorney General, Victims and Vulnerable Persons Division

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- Exhibit 24:** Ontario’s Strategy to End Human Trafficking, Ministry of Community and Social Services, last modified March 8, 2018
- Exhibit 25:** Victim Crisis Assistance Ontario (VCAO) Program Standards, Ontario Ministry of the Attorney General, Victim and Vulnerable Persons Division, September 1, 2017
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- Exhibit 30:** “Anti Human Trafficking Community Supports Fund – Call for Applications Guide,” Ontario Ministry of Community and Social Services, Provincial Anti-Human Trafficking Coordination Office, April
- Exhibit 31:** “Anti Human Trafficking Indigenous- Led Initiatives Fund – Call for Applications Guide,” Ontario Ministry of Community and Social Services, Provincial Anti-Human Trafficking Coordination Office, April 2017
- Exhibit 32:** Backgrounder “Ontario Funding Specialized Services for Human Trafficking Survivors,” Ontario Ministry of Community and Social Services, September 28, 2017
- Exhibit 33:** “Ontario’s Strategy to End Human Trafficking – Indigenous Anti-Human Trafficking Liaison Application Guidelines”
- Exhibit 34:** “Human Trafficking Restraining Orders – How to apply for a restraining order against a trafficker,” Ontario Ministry of the Attorney General, 2018, ISBN 978-1-4435-1410-1
- Exhibit 35:** Form 1 Application for Restraining under the Prevention of and Remedies for Human Trafficking Act (2017), Ontario Court of Justice, Form PRHTA-1-E 2018/01
- Exhibit 36:** Form 5 Affidavit under the Prevention of and Remedies for Human Trafficking Act (2017), Ontario Court of Justice, Form PRHTA-5-E 2018/01
- Exhibit 37:** Form 9 Restraining Order under the Prevention of and Remedies for Human Trafficking Act (2017), Ontario Court of Justice, Form PRHTA-9-E 2018/01
- Exhibit 38:** Free Legal Support for Survivors of Human Trafficking, Ontario Ministry of the Attorney General
- Exhibit 40:** Royal Newfoundland Constabulary Corporate Plan 2018-2021
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- Exhibit 42:** “Understanding the Needs of Urban Inuit Women – Final Report,” Pauktuutit Inuit Women of Canada, April 2017

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- Exhibit 43:** “Trafficking of Aboriginal Women and Girls,” report prepared for Research and Analysis Division – Community Safety and Countering Crime Branch, Public Safety Canada, May 2014, ISBN 978-1-100-23756-5
- Exhibit 45:** Sexual Exploitation and Trafficking of Aboriginal Women and Girls: Literature Review and Key Informant Interviews – Final Report, prepared by The Native Women’s Association of Canada for the Canadian Women’s Foundation Task Force on Trafficking of Women and Girls in Canada, October 2014
- Exhibit 46:** “Sex Trafficking of Indigenous Women in Ontario,” Ontario Native Women’s Association, February 2016
- Exhibit 47:** “Inuit Vulnerabilities to Human Trafficking, prepared by Pauktuutit Inuit Women of Canada, July 2013
- Exhibit 48:** “National Urban Inuit Community Dialogue: Supporting Local Champions – An Urban Inuit Strategy,” Tungasuvvingat Inuit, March 31, 2016
- Exhibit 49:** “Human Trafficking on the Front Line: Concepts, Perspectives & Responses – Final Report, June 11-15, 2018,” Ottawa Coalition to End Human Trafficking
- Exhibit 50:** Powerpoint presentation: “Urban Inuit-Specific Perspective on Sexual Exploitation & Human Trafficking”
- Exhibit 52:** “Intimate Partner Violence in the Canadian Territorial North: Perspectives from a Literature Review and a Media Watch,” Moffitt, Fikowski, Mauricio & Mackenzie, in *International Journal of Circumpolar Health*, 72:1, published online August 5, 2013
- Exhibit 53:** Faller, Wuerch et al., “A Web of Disheartenment With Hope on the Horizon: Intimate Partner Violence in Rural and Northern Communities,” *Journal of Interpersonal Violence* 1-26,
- Exhibit 54:** Zorn, Wuerch, Faller & Rucklos Hampton, “Perspectives on Regional Differences and Intimate Partner Violence in Canada: A Qualitative Examination,” *Journal of Family Violence*, Volume 32, published online February 15, 2017
- Exhibit 56:** PhD thesis “Warrior Women: Indigenous Women’s Anti-Violence Engagement with the Canadian State, by Robyn Bourgeois, 2014
- Exhibit 57:** Robyn Bourgeois, “Perpetual State of Violence: An Indigenous Feminist Anti-Oppression Inquiry in Missing and Murdered Indigenous Women and Girls,” *Making Space for Indigenous Feminism*, 2nd Edition, Joyce Green (editor), Fernwood Publishing 2017, ISBN 978-1-552266-833-2
- Exhibit 58:** Robyn Bourgeois, “Colonial Exploitation: The Canadian State and the Trafficking of Indigenous Women and Girls in Canada,” *UCLA Law Review*, Volume 62, 2015
- Exhibit 59:** Dr. Robyn Bourgeois, “Recommendations: Sexual Exploitation – Human Trafficking and Sexual Violence,” October 2018
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- Exhibit 63:** “Sexual Exploitation Is Here” poster

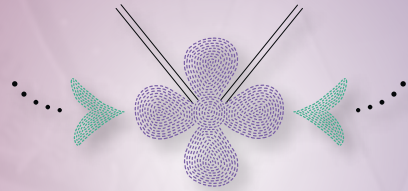
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- Exhibit 69:** S. Bell, “Indigenous Women – Safety and Protection Strategy: Summary of Police Board Reports,” Winnipeg Police Service Crime Analysis Report
- Exhibit 70:** “Update Report to the Winnipeg Police Board” from Chief Danny Smyth to Chair and Members of the Winnipeg Police Board, October 13, 2017
- Exhibit 71:** “Winnipeg Police Service 2018 Business Plan”
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- Exhibit 73:** “Vice Unit – Establishment of an Anti-Exploitation Team – Pilot Project Proposal,” Winnipeg Police Service Division 41 Specialized Investigations Division, submitted by Inspector L. Pilcher
- Exhibit 74:** Manitoba *Highway Traffic Act*, C.C.S.M. c. H60, Part VII sections 241(1)-242.2(9), print date October 10, 2018, version current as of October 8, 2018
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- Exhibit 82:** “We Are at a Critical Moment,” report of the September 18, 2013 National Roundtable for Service Providers hosted by the Canadian Women’s Foundation’s Task Force on Trafficking of Women and Girls in Canada
- Exhibit 83:** Nicole A. Barrett & Margaret J. Shaw, “Laws to Combat Sex Trafficking: An Overview of International, National, Provincial and Municipal Laws and their Enforcement,” December 2013, commissioned by the Canadian Women’s Foundation’s Task Force on Trafficking
- Exhibit 84:** Nicole A. Barrett, “An Assessment of Sex Trafficking,” May 2013
- Exhibit 85:** Powerpoint presentation “Rachel’s Story of Survival: From the Streets to the Books”

This is Exhibit "J" referred to in the Affidavit
of Bobby Narcisse affirmed before me on
this 3rd 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

A Legal Analysis of Genocide

SUPPLEMENTARY
REPORT

of the

NATIONAL INQUIRY INTO
MISSING AND MURDERED
INDIGENOUS WOMEN AND GIRLS



This supplementary legal analysis represents the views and opinions of the National Inquiry. In reaching our conclusion, we consulted with international legal scholars and lawyers with expertise on genocide and international crimes. The National Inquiry would like to thank, in particular, the contributions and insights of Professor Fannie Lafontaine, holder of the Canada Research Chair on International Criminal Justice and Human Rights at Université Laval; Amanda Ghahremani, international criminal lawyer and former Legal Director of the Canadian Centre for International Justice; and Catherine Savard, LL.M candidate at Université Laval. They are respectively Director, Investigator and Assistant-Coordinator of the Canadian Partnership for International Justice.

Cette publication est également disponible en français :

Une analyse juridique du génocide: un rapport supplémentaire de l'Enquête nationale sur les femmes et les filles autochtones disparues et assassinées

COVER IMAGE:

Special thanks to the artists whose work appears on the cover of this report:

Dee-Jay Monika Rumbolt (Snowbird), for *Motherly Love*
The Saa-Ust Centre, for the star blanket community art piece
Christi Belcourt, for *This Painting is a Mirror*



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1. INTRODUCTION

The mandate of the National Inquiry into Missing and Murdered Indigenous Women and Girls is, broadly speaking, to assess the root causes of the violence against Indigenous women and girls. The National Inquiry has determined that colonial structures and policies are persistent in Canada and constitute a root cause of the violence experienced by Indigenous women, girls, and 2SLGBTQQIA people. The report highlights that the thousands of truths shared before the National Inquiry reinforce the existence of acts of genocide against Indigenous women, girls, and 2SLGBTQQIA people:

The violence the National Inquiry heard about 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.¹

This supplementary report offers legal analysis and discussion supporting this conclusion.

The National Inquiry acknowledges that the determination of formal liability for the commission of genocide is to be made before judicial bodies. An assessment of both individual and state responsibility requires a considerable body of evidence and must be carried out by a competent tribunal charged with this task. The National Inquiry does not intend to fully demonstrate all the elements of a genocidal policy, since it does not have direct access to all of the evidence related to it. However, the information and testimonies collected by the National Inquiry provide serious reasons to believe that Canada's past and current policies, omissions, and actions towards First Nations Peoples, Inuit and Métis amount to genocide, in breach of Canada's international obligations, triggering its responsibility under international law. This report is limited to a legal analysis of genocide, but the National Inquiry's findings call for a broader examination of other international crimes, including in particular, crimes against humanity.

In Section 2, we discuss the definition of genocide. We outline the sources of the prohibition of genocide in international law, as well as the scope of the responsibility for breaching this rule, distinguishing state responsibility and individual responsibility. We provide a brief history of the drafting of this definition in treaty law and its failure to incorporate Indigenous and gender perspectives, and explain the unique nature of "colonial genocide", which is unlike the traditional understanding of genocide derived from the "Holocaust prototype".



In Section 3, we examine the material elements (*actus reus*) of genocide. We present the legal criteria to determine the existence of a protected group (national, ethnic, racial or religious) and of the five prohibited genocidal types of conduct. We then turn to assess whether Canada’s past and current policies, actions and omissions in relation to Indigenous Peoples qualify as genocidal actions.

In Section 4, we examine the definition and nature of “genocidal intent”, and how the “specific intent to destroy” element may apply to state conduct rather than individual behaviour. We assess the meaning of “destruction” within the legal definition of genocide and we scrutinize the existence of such a specific intent in Canada.

In Section 5, we explain the consequences of Canada’s breach of international law and elucidate Canada’s obligations to provide reparations and redress to Indigenous Peoples, particularly women, girls, and 2SLGTQQIA people.



2. DEFINING GENOCIDE

a) Genocide in International Law: Definition, Sources and Responsibility

The prohibition of genocide is contained both in international treaties and in customary international law and gives rise to both individual criminal responsibility and state responsibility.

Genocide is defined in the *Genocide Convention* as:

[...] any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (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.²

Statutes of international criminal tribunals have replicated the same definition.³

The prohibition of genocide, “a modern word for an old crime,”⁴ does not merely constitute a conventional norm (provided by treaty). It has consistently been qualified as a universal and peremptory norm of customary international law: “The prohibition of genocide [...] has generally been accepted as having the status not of an ordinary rule of international law but of *jus cogens*. Indeed, the prohibition of genocide has long been regarded as one of the few undoubted examples of *jus cogens*.”⁵ International criminal tribunals have acknowledged the multiplicity of sources for the prohibition of genocide, both as a conventional norm and as customary international law:

[...] although the [Genocide] Convention was adopted during the same period that the term “genocide” itself was coined, the Convention has been viewed as *codifying a norm of international law long recognised* and which case-law would soon elevate to the level of a peremptory norm of general international law (*jus cogens*).⁶

The commentary to Article 26 on the *Responsibility of States for Internationally Wrongful Acts* expressly mentions that genocide is one of the peremptory norms that “are clearly accepted and recognized.”⁷



In the Canadian *Crimes Against Humanity and War Crimes Act*, genocide is defined as:

[...] an act *or omission* committed with intent to destroy, in whole or in part, an identifiable group of persons, as such, that, at the time and in the place of its commission, constitutes genocide according to customary international law or conventional international law or by virtue of its being criminal according to the general principles of law recognized by the community of nations, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission.”⁸

The Canadian definition relies partly on the international definition found in the *Genocide Convention* and the *Rome Statute of the International Criminal Court*; two international treaties to which Canada is a party. However, the domestic statute explicitly adds one important element to the definition of genocide: omissions – that is, the *failure* to act – can constitute genocidal conduct. Importantly, the domestic definition relies on customary international law for what constitutes genocide and, by not listing the five punishable acts, the groups protected, or qualifying the intent to destroy, it allows for a living interpretation of the crime that remains consistent with the evolution of customary international law.⁹

The definition is divided into two important legal elements: the conduct (*actus reus*) and the intent (*mens rea*). The *actus reus* refers to the objective elements of the definition and comprises two elements: (1) the prohibited conduct enumerated in the definition (killing, causing serious bodily or mental harm, etc); and (2) the existence of a protected group against whom the conduct is directed. The *mens rea* refers to the subjective elements of the definition and comprises a general intent to commit the prohibited conduct and a specific intent to destroy the protected group, in whole or in part.

In the *Genocide Convention* and in customary international law, genocide is both a crime that entails individual criminal responsibility and a wrongful act that entails state responsibility. Most of the international legal developments of the past decades have dealt with individual and not state responsibility for international crimes. The principle of individual criminal responsibility for atrocity crimes was essentially born out of the Nuremberg and Tokyo trials after the Holocaust. The establishment of the *ad hoc* international criminal tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR) by the UN Security Council, the development of hybrid, internationalized criminal tribunals such as the one for Sierra Leone, and the creation of a permanent International Criminal Court, were all aimed at lifting the veil of statehood to bring individuals to account. The criminalization of genocide and other serious violations of human rights and the establishment of enforcement mechanisms at the international and national levels were indeed necessary to “give flesh and blood to the well-known dictum of the International



Military Tribunal, according to which ‘[c]rimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced’.’¹⁰

However, individual criminal accountability for international crimes is not a substitute for state responsibility. On the contrary, the two forms of responsibility are of a different nature and complement each other, particularly in situations of organized, systemic and coordinated violence, which is often inherent to genocide. The National Inquiry, without excluding the possibility that individuals could be held liable for genocide in Canada, and duly noting the acts and omissions of provinces within Canada, draws a conclusion on the responsibility of Canada as a state for genocide under international law.

There is little precedent in international law for situations where the state is the perpetrator of genocide through structural violence, such as colonialism. State responsibility under the *Genocide Convention* has been historically seen as limited to preventing genocide and punishing it, but in 2007, the International Court of Justice (ICJ) read in an obligation on states *not to commit* genocide.¹¹ The ICJ explored the question of the attributability of genocidal acts to a state – Serbia – and eventually held that “the acts of genocide at Srebrenica [could not] be attributed to the Respondent as having been committed by its organs or by persons or entities wholly dependent upon it, and thus [did] not on this basis entail the Respondent’s international responsibility.”¹² While this test is an important legal development, the precedent itself is of limited relevance for the Canadian context since the genocidal acts were perpetrated by an armed group whose degree of dependence on the Serbian state was considered insufficient by the Court.

The Canadian colonial context is different from the Srebrenica genocide, because in the former case, genocidal acts were not perpetrated by a group related to the state, but in direct application of governmental policies. As such acts of genocide perpetrated in application of the policies established and maintained by the Canadian state are attributable to Canada under the rules of customary international law. Article 4 of the International Law Commission's Draft articles on *Responsibility of States for Internationally Wrongful Acts*, which constitutes customary international law,¹³ provides that “[t]he conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central Government of a territorial unit of the State.”¹⁴ Pursuant to this article, “[a]n organ includes any person or entity which has that status in accordance with the internal law of the State.”¹⁵



The obligation on states not to perpetrate genocide originates in customary international law. This customary rule has been codified to a large extent in the *Genocide Convention*, but remains independent of it. As we shall see, the same material elements (*actus reus*) and mental elements (*mens rea*) compose the crime committed by an individual and the international wrongful act committed by a state, but there are fundamental, inherent distinctions that serve to establish responsibility in both cases.

In this analysis, we will be separately examining both the actions and omissions that constitute genocide and the intent to commit genocide, to reveal that Canada's actions and omissions amount to genocide. These conclusions are based on existing interpretations of international law. However, the National Inquiry finds it important to first situate the current state of international law in what it has traditionally failed to consider: Indigenous and gender perspectives.

b) History of the *Genocide Convention* and Exclusion of Indigenous Perspectives

The term genocide was coined by the Polish jurist Raphael Lemkin from the Greek words *genos*, which means race or tribe, and *cide*, which derives from the Latin root *cidere*, to kill.¹⁶ For him, the concept of genocide was two-fold, entailing both a “negative” and a “positive” aspect.¹⁷ The “negative” aspect involved the “destruction of the national pattern of the oppressed group,” which was then followed by the “positive” “imposition of the national pattern of the oppressor.”¹⁸ He carried out an extensive historical review of atrocities perpetrated throughout history and identified three types of genocides: physical, biological and cultural. In his view, physical genocide consisted of the physical destruction of a group, biological genocide was the destruction of the group's reproductive capacity, and cultural genocide yielded the destruction of structures and practices that allowed the group to keep living as a group.¹⁹

The crime of genocide became an important issue at the very first session of the UN General Assembly (UNGA) in 1946. The Nuremberg Tribunal's final judgement, rendered on 30 September and 1 October 1946, was criticized as failing to punish what was referred to by many as a “peacetime genocide.”²⁰ Those criticisms gave rise to a strong political will to prevent further atrocities, which crystallized in the form of Resolution 96(I) on the crime of genocide.²¹ In accordance with Lemkin's conception of genocide, this Resolution defined genocide as “a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings.”²² The UNGA affirmed that “genocide is a crime under international law which the civilized world condemns,”²³ and charged the Economic and Social Council (ECOSOC) to “undertake the necessary studies, with a view to drawing up a draft convention on the crime of genocide.”²⁴



The drafting process of what would become the *Convention on the Prevention and Punishment of the Crime of Genocide* can be divided into three parts. First, the UN Secretariat, upon ECOSOC's request, pursuant to Resolution 96(I), generated a first draft of the Convention. Second, this draft was edited by a Special Committee under the authority of ECOSOC. Third, in the second half of 1948, this draft became the point of departure for negotiations at the UNGA 6th Commission. Two of the most salient contentions throughout all stages of drafting pertained to the inclusion of cultural genocide and the forcible transfer of children, initially envisioned as "cultural genocide".²⁵ **In this context, it is remarkable how, throughout the entirety of the drafting process and negotiations on the matter of cultural genocide, Indigenous perspectives were completely ignored and excluded from the discussions.**

The omission of Indigenous voices was more than mere oversight. Colonial states, including Canada, actively pushed for "cultural genocide" to be excluded from the Convention, knowing that they were, at the very least, perpetrating this type of genocide contemporaneously with the drafting of the Convention. These countries argued that the protection of minorities should be addressed through international human rights instruments, because the inclusion of cultural genocide would impede the universal ratification of the Convention. Draft article III, which addressed cultural genocide, was eventually withdrawn during negotiations at the UNGA 6th Commission, with a vote of 25 to 16, and 4 abstentions.

Despite the defeat of cultural genocide as an enshrined type of genocide in the Convention, the act of forcible transfer of children was maintained under Article 2(e) in the final version of the treaty. Although Lemkin originally envisioned this conduct as a form of cultural genocide, it was considered by some negotiating countries to also represent physical or biological genocide.²⁶ The presence of paragraph (e) within the Convention remains the subject of extensive debate among legal scholars and jurists. If it is sometimes perceived as "anomalous" given the drafting history,²⁷ others instead consider it as an opening for the recognition of cultural genocide within the Convention.²⁸

The National Inquiry believes that the debate around "cultural genocide" versus "real" genocide is misleading, at least in the Canadian context. Of course, the "anomaly" resides in the fact that Indigenous peoples have to work with norms of international law decided by "sovereign states" who wilfully excluded their perspectives to serve their own interests. Be that as it may, the 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.



c) Genocide and the Traditional Exclusion of Gender Perspectives

Not only does the drafting history of genocide, as enshrined in the Convention, fail to incorporate Indigenous perspectives; the interpretations given to the definition also fail to address crucial, gendered facets of genocide.²⁹ Examining genocide through a gendered lens reveals that gender “is woven into the perpetrators’ planning and commission of coordinated acts that make up the continuum of genocidal violence.”³⁰ In particular, gender destructive acts allow perpetrators to “maximize the crime’s destructive impact on protected groups.”³¹ Despite gender’s prevalence and indispensability in the commission of genocide, gendered impacts of genocide are largely under-studied, and, as a result, “the expansive female experience of genocide is often reduced to rape and other acts of sexual violence, just as the male experience is frequently and erroneously limited to killings.”³² **In actuality, genocide encompasses a variety of both lethal and non-lethal acts, including acts of “slow death,”³³ and all of these acts have very specific impacts on women and girls. This reality must be acknowledged as a precursor to understanding genocide as a root cause of the violence against Indigenous women and girls in Canada.**

The Rwandan genocide and the seminal *Akayesu* judgement in 1998 had a major impact on the recognition of the gender-specificity of this crime. It affirmed that “rape and sexual violence certainly constitute infliction of serious bodily and mental harm on the victims and are even, according to the Chamber, one of the worst ways of inflict harm on the victim as he or she suffers both bodily and mental harm.”³⁴ Regarding the intention to destroy the group, the Chamber affirmed that “rapes resulted in physical and psychological destruction of Tutsi women, their families and their communities. Sexual violence was an integral part of the process of destruction, specifically targeting Tutsi women and specifically contributing to their destruction and to the destruction of the Tutsi group as a whole.”³⁵ It further considered that “[s]exual violence was a step in the process of destruction of the Tutsi group - destruction of the spirit, of the will to live, and of life itself.”³⁶

This judgement also marked an important first step in the recognition of women and girls’ particular experience of genocide, paving the way to a more gendered analysis of this crime. **Targeting victims in a gender-oriented manner destroys the very foundations of the group as a social unit and leaves long-lasting scars within a group’s social fabric. It is inherent to its destruction.** Accordingly, for the purposes of its mandate, the National Inquiry emphasizes that gender-based violence is not simply “an aspect in the story of genocide itself, but also a key component in how we understand [...] societal vulnerabilities over the *longue durée*.”³⁷ **Genocide is a root cause of the violence perpetrated against Indigenous women and girls, not only because of the genocidal acts that were and still are perpetrated against them, but also because of all the societal vulnerabilities it fosters, which leads to deaths and disappearances and which permeates all aspects of Canadian society today.**



d) The Particular Nature of Colonial Genocide

Colonialism is a unique form of violence that does not fit easily in the international legal definition of the *crime* of genocide. The way in which the legal requirements have been developed and applied to establish individual responsibility, rather than state responsibility, partly explain why the traditional, legal understanding of genocide has often been considered incompatible with colonial genocide.

The Holocaust model, on which the definition is based, provides a limited prototype of genocide as time-intensive, mass murder, which is calculated, coordinated within a nation-state, and well-planned by authoritarian leaders espousing ideological worldviews. Although colonialism contains many of these elements, such a narrow conception of genocide fails to encompass the diverse lived experiences of Indigenous peoples across Canada, and elsewhere, and fails to give its true meaning to genocide. We will focus on three distinguishing aspects of colonial genocide: the nature; the temporal and geographic scope; and the ideological drive of the destruction.

Whereas the genocides that have been the object of judicial scrutiny thus far mainly focus on physical destruction implemented through lethal force (e.g. the Holocaust or Rwanda), colonial policies in Canada have often been rooted in lethal but also non-lethal measures, aimed at assimilating and obliterating Indigenous populations.³⁸ As a product of the nascent Canadian nation-state, Indigenous peoples and groups were expected to submit to colonial governments whose objectives were to “secure permanent access to Indigenous lands and resources for the settler population.”³⁹ Canadian colonial policies certainly included physical destruction, but they also endeavoured to elicit subjugation and obedience through violent and coercive “absorption” and assimilation.⁴⁰ These policies were implemented sporadically, against diverse Indigenous communities, with varying intensity, and over different temporal and geographical territories.⁴¹ As scholars Andrew Woolford and Jeff Benvenuto write, the predominantly “culturally oriented forms of Indigenous group destruction that characterize Canadian colonialism challenge entrenched colloquial and scholarly understandings of genocide as nothing more than mass murder.”⁴²

Colonial genocide is also a slow-moving process. Unlike the traditional paradigms of genocide, such as the Holocaust, the Armenian Genocide, and the Rwandan Genocide which took place over the course of 12 years,⁴³ 8 years, and 3 months respectively, colonial destruction of Indigenous peoples has taken place insidiously and over centuries. The intent to destroy Indigenous peoples in Canada was implemented gradually and intermittently, using varied tactics against distinct Indigenous communities. These acts and omissions affected their rights to life and security, but also numerous economic, cultural and social rights. In addition to the lethal conduct, the non-lethal tactics used were no less destructive and fall within the



scope of the crime of genocide. These policies fluctuated in time and space, and in different incarnations, are still ongoing. Without a clear start or end date to encompass these genocidal policies, colonial genocide does not conform with popular notions of genocide as a determinate, quantifiable event.⁴⁴

The National Inquiry is of the opinion that genocide in Canada can be understood as a “composite act,” which is “a breach of an international obligation by a State through a series of actions or omissions defined in aggregate as wrongful.” In such a case, the “breach extends over the entire period starting with the first of the actions or omissions of the series and lasts for as long as these actions or omissions are repeated and remain not in conformity with the international obligation.”⁴⁵ The commentary to the Draft Articles on State Responsibility further explains:

Composite acts ... are limited to breaches of obligations which concern some aggregate of conduct and not individual acts as such. In other words, their focus is “a series of acts or omissions defined in aggregate as wrongful.” Examples include the obligations concerning genocide, apartheid or crimes against humanity, systematic acts of racial discrimination ... Some of the most serious wrongful acts in international law are defined in terms of their composite character.⁴⁶

Framing genocide in Canada as an unlawful act of the state spanning decades and composed of numerous distinct acts and omissions which, in aggregate, violate the international prohibition against genocide allows us to understand its true nature without the entanglement caused by an inappropriate “copy and paste” of the logic pertaining to individual criminal liability and to Holocaust-types of genocides.

Finally, many interpreters of the international legal definition of genocide cling to an uncritical view that genocide can only be committed in totalitarian and authoritarian regimes. Inherent in that perception of the definition is the notion that genocide is the product of the individual mastermind (individual criminal responsibility) with a deranged reactionary ideology (special intent), unfettered by the safeguards of democracy and rule of law.⁴⁷ This reigning view of genocide, which is also present in comparative genocide studies, ironically places countries like the United States and Canada “as the redeeming power in world affairs, whether as the agent of liberalization or as the cavalry that rescues victims from genocidal elites and their militias in the “Third World.”⁴⁸ As genocide scholar Dirk A. Moses critiques, this view “ignore[s] the genocidal foundation of settler colonies” including Canada and “ignores the fate of the Native Americans [and First Nations].”⁴⁹



Racist ideology certainly plays a role in colonialism, and there are key historical figures who promoted this racist ideology and advocated for the violent physical and cultural destruction of Indigenous peoples in Canada. However, reducing colonialism to individual culpability negates the collective nature of “colonial design”⁵⁰ and the reality that “bureaucratic mechanisms are employed in the destruction of cultures”⁵¹ both in democratic contexts and in totalitarian ones. Rather than a uniform national policy of genocide, Canadian history, with its federalist aspirations, is permeated by assorted policies of physical, structural, and legal erasure,⁵² perpetrated not only by individual masterminds, but by a collective, burgeoning nation-state.

The insidious and gradual nature of the obliteration of Indigenous peoples, and the lack of a uniform national policy spearheaded by a totalitarian mastermind, differentiate colonial genocide from our traditional understanding of what constitutes a genocide.⁵³ These distinguishing factors have, unfortunately, allowed the Canadian consciousness to dismiss Canada's colonial policies as racist and misconceived, rather than acknowledge them as explicitly genocidal and, even, ongoing.



3. CANADA'S ACTIONS AND OMISSIONS AS GENOCIDAL CONDUCT (ACTUS REUS)

As noted above, the *actus reus* refers to the objective elements of the definition and comprises two elements: (a) the existence of a protected group, against whom (b) prohibited conduct, as enumerated in the definition (e.g. killing, causing serious bodily or mental harm) is directed.

a) Protected Groups

A crucial element of genocide is that victims are targeted not because of their individual identity, but because of their membership in a protected group.⁵⁴ The *Genocide Convention* identifies four protected groups: national, ethnical, racial, and religious groups. The ICTR Trial Chamber has clarified the objective meanings of this nomenclature: “a national group is defined as a collection of people who are perceived to share a legal bond based on common citizenship, coupled with reciprocity of rights and duties.”⁵⁵ An ethnic group constitutes “a group whose members share a common language or culture.”⁵⁶ A racial group, a concept now criticized as “outmoded or fallacious,”⁵⁷ can be defined “based on the hereditary physical traits often identified with a geographical region, irrespective of linguistic, cultural, national or religious factors.”⁵⁸ Finally, a “religious group is one whose members share the same religion, denomination or mode of worship.”⁵⁹

A negative definition of the group (as not being the same as the perpetrator) is not sufficient; the group must be identified through positive characteristic. However, a “strictly positivistic approach might lead to the conclusion that only persons falling precisely within any of the categories mentioned by name in the Genocide Convention could be victims of the crime of genocide as perceived in international law.”⁶⁰ To prevent an effective negation of the applicability of genocide to many contexts, the concept of protected group has been interpreted broadly by international jurisprudence. In the *Akayesu* Trial Judgement in 1998, the ICTR case law demonstrated that, even if the Tutsi did not *prima facie* match the definition of an ethnic group, they nevertheless constituted a protected group since the Belgian colonizers had differentiated them from the Hutu, notably through the establishment of a system of identity cards based on that distinction.⁶¹ This distinction was further confirmed by the self-perception of both groups’ members, and the self-perpetuation of this distinct identity.⁶² As such, they fit the definition of a protected group with stable and permanent characteristics, as opposed to temporary ones.⁶³

Following the *Akayesu* judgement, international jurisprudence has developed a subjective conception of protected groups, taking into account both the perception of perpetrators and victims. In the *Nchamihigo* case, the ICTR Trial Chamber went as far as to affirm that “it is enough for the



perpetrator to perceive the victim as belonging to the national, ethnic, racial, or religious group which the perpetrator intended to destroy in whole or in part. It is not necessary for the victim actually to belong to the group.”⁶⁴ The fact that the victim perceived himself or herself as part of the group may also be relevant in some instances.⁶⁵

The National Inquiry emphasizes that a broad interpretation of the notion of protected group is consistent with the object and purpose of the *Genocide Convention*, does not depart from its text, and has not been contested by states.⁶⁶ Therefore, it endorses the view expressed by the Darfur Commission of Inquiry, which affirmed that it may “be safely held that that interpretation and expansion [of a protected group] has become part and parcel of international customary law.”⁶⁷

When it comes to the Canadian context, Indigenous peoples are obviously not one homogeneous group. The Canadian constitution legally recognises three categories of Indigenous peoples – Inuit, Métis, and First Nations – but within these three groups, there is incredible diversity. Without entering into detailed statistical information, let us only mention as an example that in 2016, more than 70 Aboriginal languages were spoken across Canada, falling into 12 separate language families encompassing significantly more cultures.⁶⁸

If we were to examine Canada’s relationship with all of these groups individually, or for the purpose of individual criminal prosecution, we could possibly conclude that there have been hundreds of genocides. However, for the purposes of this analysis on Canada’s responsibility as a state for colonial genocide, the National Inquiry uses the term Indigenous peoples collectively.

Beyond the question of whether Indigenous peoples can be construed as a national, ethnic and/or racial group as per the definition discussed above, what matters is that the conduct and policies of the Canadian government generally targeted Indigenous peoples as a whole and considered them as such. The Canadian genocide made a “mosaic of victims,”⁶⁹ as did other recognized genocides,⁷⁰ and the diversity within Indigenous peoples in Canada must not be construed as undermining the existence of the genocide that was perpetrated against them.

Indigenous peoples could possibly fall into all three of the above categories of protected groups. They were targeted because of their distinct cultures, languages, spirituality, and occupation of traditional land, and therefore we may consider them as a protected group for the purposes of this analysis.

b) Genocidal Conduct – the Five Prohibited Acts/Omissions

The conception of genocide as a crime committed predominantly through organized mass killings belittles the complexity of genocidal violence and undermines its very definition, which includes



both lethal and non-lethal methods of destruction. We will (i) briefly outline the main legal principles established in relation to the prohibited conduct envisaged by the genocide definition, before (ii) turning to some of the testimony heard at the hearings of the National Inquiry, which, in conjunction with the findings of previous inquiries and research, provides ample evidence that all enumerated acts were committed, even if technically only one needs to be proven.

It should be noted that in the context of colonial genocide, where state policies spanning decades are at the core of the determination of state responsibility for genocide, the evidence pertaining to the *actus reus* and the inference of the *mens rea* tend to blur. Consequently, the next section on the specific intent to commit genocide contains material also relevant to the *actus reus* component.

Furthermore, the National Inquiry insists that its analysis should not be seen as an exhaustive documentation of all conduct that comprises the genocide against Indigenous Peoples in Canada. **It highlights some of the most prevalent conduct revealed in its hearings and interviews, and examines this conduct through a gender-focused conception of genocide with specific impacts on women and girls. A gendered lens recognises that genocide can be perpetrated through the commission of lethal and non-lethal acts.** The National Inquiry regrets that in international law, “[p]rogress [...] has been halting as the view of “genocide as massacre” continues to assert itself, both in courtrooms and in the corridors of power.”⁷¹ However, the evidence amassed through the powerful testimonies of survivors who spoke before the National Inquiry forms part of a global awakening to the urgent necessity of fully taking into consideration gender implications of the five acts of genocide.

i. Applicable Law for Genocide by Killing

The underlying conduct “killing of members of the group”⁷² has been interpreted broadly by international criminal tribunals: the term “killing” includes all forms of homicide and thus must be construed more widely than “murder.”⁷³ In other words, “killed” is interchangeable with the phrase ‘caused death’.⁷⁴ Premeditation is not necessary for the *actus reus* of genocide to take place.⁷⁵ As noted in the Global Justice Center’s report on gender and genocide:

Killing, often primarily of men and adolescent boys, is the privileged genocidal act, and consequently examinations of the commission and risk of genocide largely and unhelpfully revolve around the numbers killed. Genocidal killing is in fact a highly gendered activity, with men and boys targeted for different reasons and killed in different ways than women and girls.⁷⁶



ii. Applicable Law for Genocide by Serious Bodily or Mental Harm

Serious bodily or mental harm encompasses a broad range of non-fatal genocidal acts. It has been jurisprudentially defined as “an intentional act or omission causing serious bodily or mental suffering.”⁷⁷ This concept encompasses, *inter alia*, “acts of torture, be they bodily or mental, inhumane or degrading treatment, persecution.”⁷⁸ It should be noted that “serious harm need not cause permanent and irremediable harm, but it must involve harm that goes beyond temporary unhappiness, embarrassment or humiliation. It must be harm that results in a grave and long-term disadvantage to a person’s ability to lead a normal and constructive life.”⁷⁹

We previously noted the ground-breaking inclusion by the ICTR of sexual violence as constitutive of genocide. This interpretation was later adopted and enshrined, along with torture, in the Elements of Crimes that complement the Rome Statute as serious bodily or mental harm.⁸⁰ This list is not exhaustive and includes a variety of other conduct that falls within the scope of this definition, for instance, deportation and forcible transfer.⁸¹ Ultimately, the gravity of the suffering must be assessed with due regard for the particular circumstances of each case.⁸²

iii. Applicable Law for Genocide by Inflicting Conditions of Life Meant to Bring about Physical Destruction

The infliction of conditions of life meant to bring about physical destruction has been interpreted on many occasions by the ICTY and ICTR Trial Chambers. The ICTY Trial and Appeals Chamber in *Tolimir* summarised the relevant jurisprudence by affirming that these underlying acts:

[...] are methods of destruction that do not immediately kill the members of the group, but ultimately seek their physical destruction. Examples of such acts [...] include, *inter alia*, subjecting the group to a subsistence diet; failing to provide adequate medical care; systematically expelling members of the group from their homes; and generally creating circumstances that would lead to a slow death such as the lack of proper food, water, shelter, clothing, sanitation, or subjecting members of the group to excessive work or physical exertion.⁸³

The ICC Elements of Crimes provide a similar definition: “[t]he term ‘conditions of life’ may include, but is not necessarily restricted to, deliberate deprivation of resources indispensable for survival, such as food or medical services, or systematic expulsion from homes.”⁸⁴ A prominent factual application of this definition can be found in the *Al-Bashir* case at the ICC. In this decision, the Pre-Trial Chamber held:



[...]the acts of contamination of the wells and water pumps and the forcible transfer of hundreds of thousands of civilians belonging primarily to the Fur, Masalit and Zaghawa groups coupled with the resettlement in those villages and lands they had left by members of other tribes allied with the Government of Sudan [...] were committed in furtherance of the genocidal policy, and that the conditions of life inflicted on the Fur, Masalit and Zaghawa groups were calculated to bring about the physical destruction of a part of those ethnic groups.”⁸⁵

iv. Applicable Law for Genocide by Imposing Measures Intended to Prevent Births within the Group

One of the earliest clarifications of the meaning of “imposing measures” was in the *Eichmann* case, in which the Court stated that it can be construed as “actually putting the measures into effect, at least to the point of giving orders to carry them out.”⁸⁶ However, the phrase “intended to” “suggests that the mere subjective tendency to prevent births suffices.”⁸⁷

Prohibited measures under this article were interpreted by *ad hoc* tribunals as being both physical and mental. While physical measures include “sexual mutilation, the practice of sterilization, forced birth control, separation of the sexes and prohibition of marriages,”⁸⁸ mental measures may include, for instance, traumatic acts following which victims refuse to procreate. The *Akayesu* Trial Chamber explains, “[f]or instance, rape can be a measure intended to prevent births when the person raped refuses subsequently to procreate, in the same way that members of a group can be led, through threats or trauma, not to procreate.”⁸⁹

v. Applicable Law for Genocide by Forced Transfer of Children from One Group to Another

There is little jurisprudence related to the underlying act of forcible transfer of children. According to the ICC Elements of Crimes, this prohibited conduct requires that “[t]he perpetrator forcibly transferred one or more persons” belonging to a particular national, ethnical, racial or religious group to another group.⁹⁰ The ICC Elements of Crimes further require that the transferred person be under 18 years of age, and that this age was known (or should have been known) by the perpetrator.⁹¹

The ICTR Trial Chamber in *Akayesu* adopted a rather wide interpretation of the *actus reus* of forcible transfer of children, affirming that its “objective is not only to sanction a direct act of forcible physical transfer, but also to sanction acts of threats or trauma which would lead to the forcible transfer of children from one group to another.”⁹² This approach was codified in the ICC



Elements of Crimes, which specifies that the term “forcibly” includes “threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment.”⁹³

c) **Canada’s Policies as Elements of the *Actus Reus***

The unique nature of colonial genocide, perpetrated by a state through the establishment and maintenance of policies over lengthy periods of times, implies a pattern of “domination and dehumanization”⁹⁴ which enable a myriad of genocidal acts to take place. The National Inquiry does not intend to elaborate on all of the elements of the genocidal *actus reus* that took place in Canada over the years in application of state policies. The National Inquiry is not a tribunal nor a court of justice and could not directly hear the considerable body of evidence this assessment would require. However, genocidal acts permeate the thousands of testimonies heard by the National Inquiry in the course of its mandate.

Stories of violence against women, girls, and 2SLGBTQQIA people are rooted in past events and refer to the lasting, generational consequences of these events. Testimonies of survivors suggest that colonial structures and policies, “evidenced notably by the Indian Act, the Sixties Scoop, residential schools and breaches of human and Indigenous rights, [directly led] to the current increased rates of violence, death, and suicide in Indigenous populations.”⁹⁵

In particular, truths heard by the National Inquiry shed light on “deaths of women in police custody; [Canada’s] 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.”⁹⁶ The National Inquiry considers that those acts, in addition to numerous others and those mentioned below in the *mens rea* section, qualify as elements of the *actus reus* of genocide as defined above.

It further notes that its findings are consistent with those of previous commissions established by the Canadian state, such as the 1991 Aboriginal Justice Inquiry, the 1996 Royal Commission on Aboriginal Peoples, the 2001 Aboriginal Justice Implementation Commission and the 2015 Truth and Reconciliation Commission. Within their respective mandates, these commissions highlighted past and current forms of violence perpetrated by the Canadian state against Indigenous peoples, as well as the lasting effects of the colonial policies and structures maintained until now. The lack



of implementation of many, if not most, of their recommendations is further evidence of Canada's continuing violation of its international obligation not to commit genocide. **These prohibited conducts, which match one or more of the prohibited acts within the definition of genocide, coupled with the specific intent to destroy discussed in the next section, leads the National Inquiry to conclude that there are serious reasons to believe that Canada is responsible for committing genocide against Indigenous peoples.**



4. CANADA'S SPECIFIC INTENT TO DESTROY INDIGENOUS PEOPLES (MENS REA)

a) What is "Specific Intent" for a State?

Genocidal intent has historically been interpreted from the perspective of individual criminal responsibility. The requirement to establish states' *mens rea* has been the object of little jurisprudence. The intent (or *mens rea*) inherent to the crime of genocide, as it pertains to individual criminal responsibility, consists of two distinct mental elements: a general intent to commit the underlying acts and a specific intent to destroy the group in whole or in part.⁹⁷

When it comes to state responsibility for the international wrongful act of genocide, the National Inquiry considers the attribution of intent to a state, in the same manner as evaluating a physical person's state of mind, is somewhat fictional.⁹⁸ As William Schabas points out, states "do not have specific intent. Individuals have specific intent. States have policy. The term specific intent is used to describe the inquiry, but its real subject is State policy."⁹⁹ That is, state policies embody the state's *mens rea*. This explains why, according to Schabas, "when asked whether 'acts of genocide have been committed,' bodies like the Darfur Commission and the ICJ do not pursue their search for these marginal individuals. Rather, they look to the policy."¹⁰⁰

This interpretation of state intent as being policy-based is supported in supplemental academic literature. As Paola Gaeta further elucidates:

For the international responsibility of the state to arise, however, there would be no need to demonstrate that the state as such – or one or more of its officials – harboured a genocidal intent in the criminal sense. This is a requirement that only pertains to the criminal liability of individuals. Absent direct evidence of the existence of a genocidal policy, it would be necessary only to prove that, because of the overall pattern of violence, the ultimate goal of the policy of the state cannot but be that of destroying the targeted group as such.¹⁰¹

By contrast, the necessity to prove a genocidal policy to establish individual criminal responsibility has been the object of debate. Without entering into the details of this complex question, the ICTY Appeals Chamber in *Jelisić* stated that "the existence of a plan or policy is not a legal ingredient of the crime," but it recognized that "in the context of proving specific intent, the existence of a plan or policy may become an important factor in most cases."¹⁰² It has indeed been argued that a policy always underlies the commission of genocide and that it is either a formal requirement or at least an implicit, but necessary, element of the crime.¹⁰³



The ICC Elements of Crimes have also added a contextual element to the definition of genocide, requiring that “[t]he conduct [take] place in the context of a manifest pattern of similar conduct directed against that group or [is] conduct that could itself effect such destruction.” The Pre-Trial Chamber in the *Al-Bashir* case at the ICC appeared to interpret the first leg of this requirement so as to require a genocidal policy as a prerequisite to both individual genocidal acts and genocidal intent.¹⁰⁴

Regardless of the debate as regards individual criminal liability, **the National Inquiry is of the view that a state’s specific intent to destroy a protected group can only be proved by the existence of a genocidal policy or manifest pattern of conduct. This is particularly inescapable in the context of colonial genocide where, as already noted, the internationally wrongful act is slower, more insidious, structural, systemic, and often spans multiple administrations and political leadership.**

The proof needed to establish the *mens rea* for genocide is necessarily complex. In the 2007 *Serbia* case, discussing evidence of state intent, the ICJ affirmed that:

[t]he *dolus specialis*, the specific intent to destroy the group in whole or in part, has to be convincingly shown by reference to particular circumstances, unless a general plan to that end can be convincingly demonstrated to exist; and for a pattern of conduct to be accepted as evidence of its existence, it would have to be such that it could only point to the existence of such intent.¹⁰⁵

Furthermore, the jurisprudence of ad hoc tribunals has clarified that specific intent may:

[...] in the absence of direct explicit evidence, be inferred from a number of facts and circumstances, such as the general context, the perpetration of other culpable acts systematically directed against the same group, the scale of atrocities committed, the systematic targeting of victims on account of their membership of a particular group, or the repetition of destructive and discriminatory acts.¹⁰⁶

b) What does intent to destroy a protected group mean?

The National Inquiry acknowledges that the exact scope of the intent to destroy a protected group, in whole or in part, is controversial.¹⁰⁷ The traditional conception of genocidal intent, restricted to the physical or biological destruction of a group, is rooted in the Convention’s *travaux préparatoires*. As mentioned previously,¹⁰⁸ states voted in favour of the exclusion of Article 3 of the draft convention, which would have provided for cultural genocide. Accordingly, international



criminal tribunals have often invoked the Convention's *travaux préparatoires* to support the view that the definition should be restrictively construed.

However, this approach is increasingly criticized. First, it is not consistent with the general principles of interpretation laid down in the *Vienna Convention on the Law of Treaties* (VCLT). If the *travaux préparatoires* and negotiations surrounding the elaboration of the 1948 Convention are relevant to grasp the nature of the concept of genocide, they only have a limited legal value; *travaux préparatoires* are not a source of international law.¹⁰⁹ As such, these texts can only be used as a supplementary means of interpretation, either to confirm interpretations done in accordance with the ordinary meaning of the terms of the treaty, in their context and in the light of the treaty's object and purpose, or if such an interpretation leaves the meaning ambiguous, or leads to a result which is manifestly absurd or unreasonable.¹¹⁰ **As we will demonstrate in the analysis below, interpreting genocidal intent as encompassing only physical and biological destruction does not accord with the ordinary meaning of the word "destruction" in its context (i.e. the prohibited acts) and in light of the object and purpose of the Convention. Moreover, a restrictive interpretation of the term "destroy" leads to absurd results, particularly the forcible transfer of children, but also many non-lethal genocidal conduct encompassed in the definition, which can hardly be reconciled with any of those aims.**¹¹¹

The inclusive approach to interpreting the meaning of "destruction" is best exemplified by a trend of cases before German domestic courts and the European Court of Human Rights (ECHR), which have concluded that genocidal intent may be construed as including the destruction of a group *as a social unit*. After the Bosnian genocide, the German Federal Attorney-General investigated approximately 131 cases of suspected genocide, many of which culminated in prosecutions.¹¹² In the 1997 *Jorgic* case, the Higher Regional Court in Düsseldorf held that "[t]he intent to destroy a group, taken literally as part of the elements of the genocide crime, includes more than sheer physical-biological destruction"¹¹³ and also encompasses the "destruction of the group as a social unit in its distinctiveness and particularity and its feeling of belonging together."¹¹⁴ This interpretation was based on the literal meaning of genocide as enshrined in German domestic law, the *Genocide Convention*, and the statutes of both *ad hoc* international criminal tribunals. The Regional Court further concluded that, in the light of differing ICTY and ICTR jurisprudence, "an understanding of genocide that went beyond biological-physical destruction of the protected group was possible."¹¹⁵ These findings were subsequently confirmed in appeal both by the Federal Court of Justice and the Federal Constitutional Court of Germany.¹¹⁶

Despite this emerging trend, the ICTY Trial Chamber in the 2001 *Krstić* judgement expressly rejected the view adopted by German domestic courts in the *Jorgic* case. The Trial Chamber affirmed that "despite recent developments, customary international law limits the definition of



genocide to those acts seeking the physical and biological destruction of all or part of the group.”¹¹⁷ This ruling was upheld in appeal, but one of the Appeals judges, Judge Shahabuddeen filed a partially dissenting opinion where he concluded that “the intent to destroy the group as a group is capable of being proved by evidence of an intent to cause the non-physical destruction of the group in whole or in part, except in particular cases in which physical destruction is required by the Statute.”¹¹⁸

One year later, in the 2005 *Blagojević* judgement, the ICTY Trial Chamber gave preference to this dissenting opinion, with an eye to the *Jorgic* precedent and the *Akayesu* case at the ICTR, and held:

A group is comprised of its individuals, but also of its history, traditions, the relationship between its members, the relationship with other groups, the relationship with the land. The Trial Chamber finds that the physical or biological destruction of the group is the likely outcome of a forcible transfer of the population when this transfer is conducted in such a way that the group can no longer reconstitute itself.¹¹⁹

In other words, the Trial Chamber in *Blagojević* “found an intent to physically destroy the group through acts intended to harm its socio-cultural structure,”¹²⁰ and convicted Blagojević for the crime of genocide.¹²¹

In the 2006 *Krajišnik* case, the ICTY Trial Chamber followed Judge Shahabuddeen’s reasoning and determined that the word destroy “is not limited to physical or biological destruction of the group’s members, since the group (or a part of it) can be destroyed in other ways, such as by transferring children out of the group (or the part) or by severing the bonds among its members.”¹²² In a notable footnote to this quote, the ICTY Trial Chamber remarked:

[i]t is not accurate to speak of “the group” as being amenable to physical or biological destruction. Its members are, of course, physical or biological beings, but the bonds among its members, as well as such aspects of the group as its members’ culture and beliefs, are neither physical nor biological. Hence the Genocide Convention’s “intent to destroy” the group cannot sensibly be regarded as reducible to an intent to destroy the group physically or biologically, as has occasionally been said.

The ECHR eventually heard the German *Jorgić* case in 2007 and upheld the German rulings.¹²³ The ECHR confirmed that interpreting genocidal intent as including the destruction of a group as a social unit was “consistent with the essence” of the offence of genocide.¹²⁴ The Court proceeded to explain:



[t]here are no reported cases in which [national courts of State Parties to the Genocide Convention] have defined the type of group destruction the perpetrator must have intended in order to be found guilty of genocide, that is, whether the notion of ‘intent to destroy’ covers only physical or biological destruction or whether it also comprises destruction of a group as a social unit.¹²⁵

The ECHR corroborated the German courts’ expansive interpretation of the ‘intent to destroy the group as such’ as being “covered by the wording, read in its context, of the crime of genocide in the Criminal Code and [did] not appear unreasonable.”¹²⁶

After careful examination of divergent views and a rigorous analysis of the definition of genocide as it currently stands, the National Inquiry is of the view that the “specific intent to destroy” covers not only physical or biological destruction, but also, at a minimum, the destruction of a group as a social unit. In addition to the arguments emanating from the case law cited above, the National Inquiry notes, in particular, that the phrase “as such” may be construed as meaning the group as a social unit.¹²⁷ As William Schabas points out, “[t]he words of the Convention can certainly bear such an interpretation [...]. It would also encompass without doubt the destruction of aboriginal communities by a combination of violence, eradication of economic life, and incitement to assimilation.”¹²⁸ Moreover, the act of forced transfer of children does not fit within a narrow conception that is limited to physical-biological destruction, nor do the other non-lethal prohibited acts that fall within the scope of the definition.

Following the *Krstić* case at the ICTY, some scholars have suggested that biological destruction “must then be construed so as to include the forcible transfer of children.”¹²⁹ However, the National Inquiry finds that biological genocide – that is the destruction of the group’s reproductive capacity – is incongruous with the inherent nature of the forced transfer of children.¹³⁰ The prohibition of the forcible transfer of children can only logically be construed in relation to the specific aim of destroying a group as a social unit.¹³¹ With the recent legal developments pertaining to this element of genocide, some scholars believe that “it is likely that future tribunals or courts will accept this view of intention to destroy if they feel it is required to achieve justice.”¹³²

The National Inquiry fully embraces and adheres to the legal reasoning behind the view that genocidal intent encompasses the destruction of a group as a social unit, in addition to physical and biological destruction.



c) Canada's intent to destroy Indigenous Peoples

Canada's colonial history provides ample evidence of the existence of a genocidal policy, a "manifest pattern of similar conduct", which reflects an intention to destroy Indigenous peoples. The Canadian state was founded on colonial genocidal policies that are inextricably linked to Canada's contemporary relationship with Indigenous peoples. Modern Canadian policies perpetuate these colonial legacies, and have resulted in clear patterns of violence and marginalisation of Indigenous peoples, particularly women, girls and 2SLGBTQQIA people. These policies are documented in detail in *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, Volume 1a, and include practices such as child over-apprehension, lack of police protection, forced sterilization, and the ongoing impacts of Indian Act legislation, as well as the maintenance of the status quo.

Having established the composite character of the wrongful acts committed for decades by Canada, in violation of the international prohibition of genocide, the National Inquiry also concludes that Canada, as a state, has exhibited the requisite *mens rea*. Canada has displayed a continuous policy, with shifting expressed motives but an ultimately steady intention, to destroy Indigenous peoples physically, biologically, and as social units, thereby fulfilling the required specific intent element.

Colonial policies in Canada aimed to obliterate the various Indigenous nations who occupied the land at the time and posed a real threat to the existence of Indigenous communities. As examples of documented factual occurrences, throughout the 1700s, colonial troops participated in "biological warfare"¹³³ by distributing blankets infested with the smallpox virus throughout Indigenous communities, "with the effect of reducing the populations of specific Indigenous Nations by upwards of 50 percent."¹³⁴ In the 1750s, scalping bounties were offered in Nova Scotia, by legal proclamation, to entice and reward the murder of its Indigenous peoples, the Mi'kmaq.¹³⁵ Many other Indigenous nations were persecuted and murdered, including the Beothuk who are believed to have been completely eliminated by the late 1820s.¹³⁶

In addition to the premeditated killing of Indigenous peoples, there existed egregious colonial policies that caused serious bodily and mental harm to Indigenous peoples and deliberately inflicted conditions of life on Indigenous communities calculated to bring about their physical destruction. In the 1870s, colonial troops "denied food as a means to ethnically cleanse a vast region from Regina to the Alberta border as the Canadian Pacific Railway took shape."¹³⁷ In the 1880s, government-sanctioned residential schools were created and Indigenous children were forcibly removed from their families to face starvation, deliberate infection of diseases, beating,



torture, rape, solitary confinement, assaults and ill-treatment within the Indian residential school system. In the early 1900s, government doctors subjected Indigenous children to inhumane medical experiments at the residential schools, including purposefully exposing healthy children to children infected with tuberculosis, which “led to mortality rates of 30 to 60 percent amongst the children who were forced to attend those schools.”¹³⁸

These historical policies are appalling in their systematic destruction of Indigenous communities, but what is more appalling is that many of these policies continue today under a different guise. The National Inquiry’s findings expose contemporary policies that are clearly linked to the colonial era and ongoing colonial violence, demonstrating a “manifest pattern” attributable to present-day Canadian state conduct with Indigenous communities. This conduct includes both proactive measures to destroy, assimilate, and eliminate Indigenous peoples,¹³⁹ as well as omissions by the Canadian government to ensure safety, equality, and access to essential services which have had direct, life-threatening consequences on Indigenous communities, in particular on women, girls, and 2SLGBTQIA people.



5. CONCLUSION: CANADA'S RESPONSIBILITY FOR GENOCIDE AND OBLIGATIONS OF REPARATIONS

The thousands of stories of violence heard by the National Inquiry over the three intense years of its mandate lifted the veil over the existence of a genocide perpetrated by the Canadian state against Indigenous peoples. This genocide was enabled by colonial structures and policies maintained over centuries until the present day and constitutes a root cause of the violence currently being perpetrated against Indigenous women, girls and 2SLGBTQQIA people.

Legally speaking, this genocide consists of a composite wrongful act that triggers the responsibility of the Canadian state under international law. Canada has breached its international obligations through a series of actions and omissions taken as a whole, and this breach will persist as long as genocidal acts continue to occur and destructive policies are maintained. Under international law, Canada has a duty to redress the harm it caused and to provide restitution, compensation and satisfaction to Indigenous peoples. But first and foremost, **Canada's violation of one of the most fundamental rules of international law necessitates an obligation of cessation: Canada must put an end to its perennial pattern of violence against and oppression of Indigenous peoples.**

So far, Canada's failure to listen to Indigenous perspectives and to address flagrant violations of their most basic human rights, and in particular those related to violence against Indigenous women, girls, and 2SLGBTQQIA people, has been remarkable. The so-called champion of multiculturalism and fundamental human rights has lamentably and willingly failed to act upon numerous recommendations that have been made over time, through myriad different actors, including the commissions it itself established. However, listening to Indigenous voices is more than a demonstration of good faith: it is a legal requirement. Ending this genocide and providing due reparations require that the government of Canada fully and promptly implement the Calls for Justice made by this National Inquiry. Canada must adopt a decolonizing approach to "resist and undo the forces of colonialism"¹⁴⁰ while acknowledging and dismantling the colonial structures fostering racism, oppression, and other forms of violence perpetrated against Indigenous women, girls, and 2SLGBTQQIA people.

Canada must ensure that "all Indigenous women, girls, and 2SLGBTQQIA people are provided with safe, no-barrier, permanent, and meaningful access to their cultures and languages in order to restore, reclaim, and revitalize their cultures and identities."¹⁴¹ It must ensure that the rights to health and wellness, human security, justice, culture and equality of Indigenous Peoples are recognized, upheld, and protected on an equitable basis.



Ending the Canadian genocide of Indigenous Peoples requires an honest and active process of decolonization and indigenization of structures, institutions, legislation and policies. The swift implementation of the National Inquiry's Calls for Justice is essential to address the violence against Indigenous women, girls, and 2SLGBTQQIA people. It is also mandated by international law as measures of reparation, a direct consequence of Canada's responsibility for the commission of genocide.

It is time to call it as it is: Canada's past and current colonial policies, actions and inactions towards Indigenous Peoples is genocide. And genocide, as per law binding on Canada, demands accountability. The National Inquiry hopes that its legal analysis and findings will contribute to the necessary discussion on genocide in Canada and trigger further research on this characterization of colonial violence, which is a fundamental root cause of the violence experienced by Indigenous women, girls, and 2SLGBTQQIA people.



¹ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place, Volume 1a*, p. 50.

² *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, 78 UNTS 277 (entered into force 12 January 1951), art 2 [*Genocide Convention*].

³ See e.g. *Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991*, UNSC Res CS 827 (1993), UNSCOR, 3217th Sess, UN Doc S/RES/827 (1993), art 4 [*ICTY Statute*]; *Statute of the International Criminal Tribunal for Rwanda*, UNSC Res 955 (1994), UNSCOR, 3453th Sess, UN Doc S/RES/955 (1994), art 2 [*ICTR Statute*]; *Rome Statute of the International Criminal Court*, 17 July 1998, 2187 UNTS 38544 (entered into force 1 July 2002), art 6 [*Rome Statute*].

⁴ Louis Rene Beres, “Justice and realpolitik: International law and the prevention of genocide” (1988) 33 Am J Intl Law 123 at 123–124.

⁵ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)*, Separate Opinion of Judge Lauterpacht, [1993] ICJ Rep 407 at para 100. See also *Armed Activities on the Territory of the Congo (New Application: 2002)*, Jurisdiction of the Court and Admissibility of the Application, [2006] ICJ Rep 6 at para 64.

⁶ *Prosecutor v Radislav Krstić*, IT-98-33-T, Judgment (2 August 2001) at para 541 (International Criminal Tribunal for the former Yugoslavia, Trial Chamber) [*Krstić Trial Judgement*] (emphasis added). See also e.g. *Prosecutor v Clément Kayishema and Obed Ruzindana*, 95-1-T, Judgment and Sentence (21 May 1999) at para 88 (International Criminal Tribunal for Rwanda, Trial Chamber) [*Kayishema Trial Judgement*].

⁷ “Report of the Commission to the General Assembly on the work of its fifty-third session” (UN Doc A/56/10) in *Yearbook of the International Law Commission 2001*, vol 2, part 2 (New York: UN, 2001) at 85 [ILC Articles & Commentary].

⁸ *Crimes Against Humanity and War Crimes Act*, SC 2000, c 24, arts 4(3) and 6(3) [*CAHWC Act*]. Emphasis added.

⁹ See Fannie Lafontaine, *Prosecuting Genocide, Crimes against Humanity and War Crimes in Canadian Courts* (Toronto: Carswell, 2012) at 160ff.

¹⁰ Paola Gaeta, “On What Conditions Can a State Be Held Responsible for Genocide?” (2007) 18:4 Eur J Intl Law 631 at 633.

¹¹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)*, [2007] ICJ Rep 43 at para 166 [*Serbia 2007*]. See also Gaeta, *supra* note 10 at 632–633.

¹² *Ibid* at para 395. The Court held that Bosnia Serbs were 1) not 'state organs' of the Serbian government, 2) not under the 'direction and control' of the Serb state, and 3) had not received 'aid or assistance' from Serbia.

¹³ See e.g. *Bosnia and Herzegovina v Serbia 2007*, *supra* note 11 at para 398.

¹⁴ ILC Articles & Commentary, *supra* note 7 at 26, art 4.

¹⁵ *Ibid.*, art 4(2).

¹⁶ Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (New York: Columbia University Press, 1944) at 79 [Lemkin, *Axis Rule*].

¹⁷ Leora Bilsky & Rachel Klagsbrun, “The Return of Cultural Genocide?” (2018) 29:2 Eur J Intl Law 373 at 378. See also *ibid.*

¹⁸ Lemkin, *Axis Rule*, *supra* note 16.

¹⁹ Raphael Lemkin, “Genocide as a Crime under International Law” (undated) Am Jew Hist S, Manuscript Collection P-154, Raphael Lemkin Collection, box 6, folder 2 at 2.

²⁰ See e.g. Henry T King Jr, “Origins of the Genocide Convention” (2008) 40 Case W Res J Intl L 13 at 13.

²¹ The Resolution was presented as “necessary to address a shortcoming in the Nuremberg trial by which acts committed prior to the war were left unpunished”: see William A Schabas, “Origins of the Genocide Convention:



From Nuremberg to Paris” (2008) 40 Case W Res J Intl L 35. See also *The Crime of Genocide*, GA Res 96 (I), UNGAOR, 1st Sess, 55th Plenary Mtg, UN Doc A/RES/260 (1946) at 188–189 [Resolution 96 (I)].

²² Resolution 96 (I), *supra* note 21. Interestingly, the Resolution also affirmed that “such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of **cultural** and other contributions represented by these human groups.” (Emphasis added.)

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ Robert van Krieken, “Rethinking Cultural Genocide: Aboriginal Child Removal and Settler-Colonial State Formation” (2004) 75:2 *Oceania* 125 at 135.

²⁶ UNGA Sixth Committee, 3rd Session, 82nd Meeting, UN Doc A/C.6SR.82 (1948).

²⁷ William A Schabas, *Genocide in International Law: The Crime of Crimes*, 2nd ed (Cambridge: Cambridge University Press, 2009) at 294 [Schabas, *Genocide*].

²⁸ See e.g. *ibid* at 294 (paragraph (e) “contemplates what is in reality a form of cultural genocide”); Claus Kreß, “The Crime of Genocide under International Law” (2006) 6:4 *Int Crim L Rev* 461 at 484 (“This prohibited act is situated at the border line with so-called cultural genocide”).

²⁹ The preamble of the Convention expresses the aim to “liberate *mankind* from [the] odious scourge of genocide” (emphasis added).

³⁰ Global Justice Center, “Beyond Killing: Gender, Genocide, & Obligations Under International Law” (2018) at 2, online (pdf): *Global Justice Center* <<http://www.globaljusticecenter.net/files/Gender-and-Genocide-Whitepaper-FINAL.pdf>>.

³¹ *Ibid.*

³² *Ibid* at 9.

³³ *I.e.*, acts that does not “lead immediately to the death of members of the group”: see e.g. *Kayishema* Trial Judgement, *supra* note 6 at para 116.

³⁴ *Prosecutor v Jean-Paul Akayesu*, 96-4-T, Judgement (22 September 1998) at para 731 (International Criminal Tribunal for Rwanda, Trial Chamber) [*Akayesu* Trial Judgement]. Reference omitted.

³⁵ *Ibid.*

³⁶ *Ibid* at 732.

³⁷ Elisa von Joeden-Forger, “Gender and the Future of Genocide Studies and Prevention” (2012) 7:1 *GSP* 89 at 92–93.

³⁸ Pam Palmater, “Genocide, Indian Policy, and Legislated Elimination of Indians in Canada” (2014) 3:3 *Aboriginal Policy Studies* 27 at 28, citing Dean Neu & Richard Therrien, *Accounting for Genocide: Canada’s Bureaucratic Assault on Aboriginal People* (Blackpoint, NS: Fernwood Publishing, 2003) at 8.

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⁵¹ *Ibid*, citing Neu & Therrien, *supra* note 38.

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⁵⁴ See Resolution 96 (I), *supra* note 21: “The victim of the crime of genocide is the group itself.” See also *Prosecutor v Goran Jelisić*, IT-95–10-T, Judgment (14 December 1999) at para 79 (International Criminal Tribunal for the former Yugoslavia, Trial Chamber) [*Jelisić* Trial judgment]; Agnieszka Szpak, “National, Ethnic, Racial, and Religious Groups Protected against Genocide in the Jurisprudence of the ad hoc International Criminal Tribunals” (2012) 23:1 *Eur J Intl Law* 155 at 158–159.

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⁶⁶ *Darfur Report supra* note 57 at para 501.

⁶⁷ *Ibid*. See also Szpak, *supra* note 54 at 161, 168; Johan D van der Vyver, “Prosecution and Punishment of the Crime of Genocide” (1999) 23:2 *Fordham Intl L J* 286 at 306.

⁶⁸ Statistics Canada, “The Aboriginal languages of First Nations people, Métis and Inuit: Census of Population, 2016” (2017) at 1, online (pdf): www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016022/98-200-x2016022-eng.pdf. See also e.g. The Royal Canadian Geographical Society in partnership with Canada’s National Indigenous Organizations, *Indigenous Peoples Atlas of Canada*, 4 vols (Ottawa: Canadian Geographic, 2018)., *Indigenous Peoples Atlas of Canada* (Ottawa: Canadian Geographic, 2018).

⁶⁹ See Michael Berenbaum, ed, *A Mosaic of Victims: Non-Jews Persecuted and Murdered by the Nazis* (New York: New York University Press, 1990). See also Tamara Starblanket, *Suffer the Little Children: Genocide, Indigenous Nations and the Canadian State* (Gardena, CA: SCB Distributors, 2018) at 35.

⁷⁰ For instance, the Holocaust did not aim only at the destruction of the Jews: the Nazis also targeted the Poles and other Slavic peoples, homosexuals, etc. See Starblanket, *supra* note 69 at 35.

⁷¹ Global Justice Center, *supra* note 30 at 11.

⁷² *Genocide Convention, supra* note 2, art 2 (a).

⁷³ *Akayesu* Trial Judgment *supra* note 34 at para 500.

⁷⁴ International Criminal Court, *Elements of Crimes*, ICC-ASP/1/3 at 108, UN Doc PCNICC/2000/1/Add.2 (2000), n 2 [Elements of Crimes].

⁷⁵ *Prosecutor v Laurent Semanza*, 95-20-T, Judgment and sentence (15 May 2003) at para 319 (International Criminal Tribunal for Rwanda, Trial Chamber) [*Semanza* Trial Judgement].

⁷⁶ Global Justice Center, *supra* note 30 at 12.

⁷⁷ *Krstić* Trial Judgement, *supra* note 6 at para 513.

⁷⁸ *Akayesu* Trial Judgement *supra* note 34 at para 504.



⁷⁹ *Krstić* Trial Judgement, *supra* note 6 at para 513. See also *Akayesu* Trial Judgement *supra* note 34 at para 502: the harm do not need to be “permanent and irremediable.” But see *Semanza* Trial Judgement, *supra* note 75 at para 321: “[s]erious mental harm” means “more than minor or temporary impairment of mental faculties.” See also *Kayishema* Trial Judgement, *supra* note 6 at para 108; *Rutaganta* Trial Judgement, *supra* note 65 at para 51; *Prosecutor v Alfred Musema*, 96-13-T, Judgement and Sentence (27 January 2000) at para 156 (International Criminal Tribunal for Rwanda, Trial Chamber) [*Musema* Trial Judgement]; *Bagilishema* Trial Judgement, *supra* note 65 at 59.

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⁸¹ *Prosecutor v Radovan Karadžić*, IT-95-5/18-T, Judgment (24 March 2016) at para 545 (International Criminal Tribunal for the former Yugoslavia, Trial Chamber); *Prosecutor v Zdravko Tolimir*, IT-05-88/2-A, Judgment (8 April 2015) at para 202 (International Criminal Tribunal for the former Yugoslavia, Appeals Chamber) [*Tolimir* Appeals Judgment]; *Krstić* Trial Judgement, *supra* note 6 at para 513; *Kayishema* Trial Judgement, *supra* note 6 at 113.

⁸² *Krstić* Trial Judgement, *supra* note 6 at para 513.

⁸³ *Tolimir* Appeals Judgment *supra* note 81 at para 225. See also e.g. *Akayesu* Trial Judgement, *supra* note 34 at paras 505–506; *Kayishema* Trial Judgement, *supra* note 6 at paras 115–116; *Rutaganta* Trial Judgement, *supra* note 65 at para 52; *Musema* Trial Judgement, *supra* note 79 at para 157; *Krstić* Appeals Judgment, para. 25.

⁸⁴ *Elements of Crimes*, *supra* note 74, n 4.

⁸⁵ *Prosecutor v Omar Hassan Ahmad Al Bashir*, ICC-02/05-01/09-94, Second Decision on the Prosecution’s Application for a Warrant of Arrest (12 July 2010) at paras 32–40, (International Criminal Court, Pre-Trial Chamber).

⁸⁶ *Attorney General of Israel v Adolf Eichmann*, (1961) Dist Court Jerusalem 40/61, 36 ILR 277 (Israel) at para 199.

⁸⁷ Claus Kress, “The Crime of Genocide under International Law” (2006) 6:4 Int Crim L Rev 461 at 483.

⁸⁸ *Akayesu* Trial Judgement *supra* note 34 at paras 507– 508. See also *Kayishema* Trial Judgement, *supra* note 6 at para 117; *Rutaganda* Trial Judgement, *supra* note 65 at para 53; *Musema* Trial Judgement, *supra* note 79 at para 158.

⁸⁹ *Akayesu* Trial Judgement, *supra* note 34 at para 508.

⁹⁰ *Elements of Crimes*, *supra* note 74, art 6 (e).

⁹¹ *Ibid.*

⁹² *Akayesu* Trial Judgement, *supra* note 34 at para 509. This approach was endorsed by subsequent jurisprudence. See *Kayishema* Trial Judgement, *supra* note 6 at para 118; *Rutaganda* Trial Judgement, *supra* note 65 at para 54; *Musema* Trial Judgement, *supra* note 79 at para 159.

⁹³ *Elements of Crimes*, *supra* note 74, n 5.

⁹⁴ Starblanket, *supra* note 69 at 66.

⁹⁵ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place, Volume 1a*, p. 50.

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⁹⁷ Kai Ambos, “What does ‘intent to destroy’ in genocide mean?” (2009) 91:876 Int Rev Red Cross 833 at 834.

⁹⁸ William A Schabas, “State Policy as an Element of International Crimes” (2008) 98:3 J Crim Law Criminol 953 at 971 [Schabas, “State Policy”].

⁹⁹ *Ibid.* at 970.

¹⁰⁰ *Ibid.*

¹⁰¹ Gaeta, *supra* note 10 at 643.

¹⁰² *Prosecutor v Goran Jelisić*, IT-95-10-A, Judgment (5 July 2001) at para 48 (International Criminal Tribunal for the former Yugoslavia, Appeals Chamber) [*Jelisić* Appeals judgment].

¹⁰³ See review and proposals in Antonio Cassese, “Is Genocidal Policy a Requirement for the Crime of Genocide?” in Paola Gaeta, ed, *The UN Genocide Convention: A Commentary* (Oxford: Oxford University Press, 2009) at 128.

¹⁰⁴ *Prosecutor v Omar Hassan Ahmad Al Bashir*, ICC-02/05-01/09-3, Decision on the Prosecution’s Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir (4 March 2009) at para 149-152 (International Criminal Court, Pre-Trial Chamber).

¹⁰⁵ *Serbia 2007*, *supra* note 11 at para 373. The ICJ adopted the same view and explicitly cited this excerpt in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v Serbia)*, Judgment of 3 February 2015, [2015] ICJ Rep 3 at para 417.



- ¹⁰⁶ *Jelisić Appeals Judgement*, *supra* note 102 at para. 47, cit. in *Darfur report*, *supra* note 57 at para. 502
- ¹⁰⁷ Kreß, *supra* note 28 at 481; William A Schabas, *Genocide in international law* (2009) at 271.
- ¹⁰⁸ See Part 2-b), *above*.
- ¹⁰⁹ *Statute of the International Court of Justice*, 18 April 1946, 33 UNTS 993, art 38.
- ¹¹⁰ *Vienna Convention on the Law of Treaties*, 23 May 1969, 1155 UNTS 331 (entered into force 27 January 1980), arts 31–32.
- ¹¹¹ Schabas, *Genocide*, *supra* note 37 at 294; Elisa Novic, “Physical-biological or socio-cultural ‘destruction’ in genocide? Unravelling the legal underpinnings of conflicting interpretations” (2015) 17:1 J Genocide Res 63 at 70.
- ¹¹² Ruth Rissing-van Saan, “The German Federal Supreme Court and the Prosecution of International Crimes Committed in the Former Yugoslavia” (2005) 3 J Int Crim Just 381 at 382.
- ¹¹³ *Ibid* at 398.
- ¹¹⁴ Karolina Wierczynska, “Evolution of the Notion of Genocide in the Context of the Jurisdiction of the National Courts” (2006) 28 Polish YB Intl L 83 at 90.
- ¹¹⁵ Rissing-van Saan, *supra* note 112 at 398.
- ¹¹⁶ The Federal Constitutional Court held that “the statutory definition of genocide defends a supra-individual object of legal protection, i.e. the social existence of the group [...]. [T]he intent to destroy the group [...] extends beyond physical and biological extermination [...]. The text of the law does not therefore compel the interpretation that the culprit’s intent must be to exterminate physically at least a substantial number of the members of the group.” 2 BvR 1290/99, 12 December 2000, para. (III)(4)(a)(aa); cited in *Krstić Trial Judgement*, *supra* note 6 at 579. See also Schabas, *Genocide*, *supra* note 37 at 272.
- ¹¹⁷ *Krstić Trial judgment*, *supra* note 6 at 580.
- ¹¹⁸ *Prosecutor v Radislav Krstić*, IT-98-33-A, Judgment (19 April 2004) paras 48 and 55 (International Criminal Tribunal for the former Yugoslavia, Appeals Chamber) . See also Kreß, *supra* note 28 at 488.
- ¹¹⁹ *Prosecutor v Vidoje Blagojević & Dragan Jokić*, IT-02-60-A, Judgment (17 January 2005) at para 666 (International Criminal Tribunal for the Former Yugoslavia, Appeals Chamber) [*Blagojević Appeals Judgement*].
- ¹²⁰ Novic, *supra* note 112 at 68.
- ¹²¹ *Blagojević Appeals Judgement*, *supra* note 119 at para 122. His conviction was overturned in appeal on a different point of law, as the Appeals Chamber considered that his knowledge of mass killings, an essential element in this case, had not been proved.
- ¹²² *Prosecutor v Momčilo Krajišnik*, IT-00-39-T, Judgment (27 September 2006) at para 854 (International Criminal Tribunal for the Former Yugoslavia, Trial Chamber).
- ¹²³ *Jorgić v Germany*, No 74613/01, [2007] III ECHR 263, 47 EHRR 6.
- ¹²⁴ *Ibid* at para 103.
- ¹²⁵ *Ibid* at para 46.
- ¹²⁶ *Ibid* at para 105.
- ¹²⁷ Kreß, *supra* note 27 at 487.
- ¹²⁸ Schabas, *Genocide*, *supra* note 36 at 271: “The words of the Convention can certainly bear such an interpretation [...]”
- ¹²⁹ Kreß, *supra* note 27 at 487.
- ¹³⁰ Novic, *supra* note 111 at 70.
- ¹³¹ *Ibid* at 77: “a ‘broader’ understanding of the mens rea would [...] certainly attribute to [...] some coherence [to the legal definition of genocide], if only to clarify the status of subparagraph (e).”
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- ¹³⁴ Palmater, *supra* note 39 at 32, citing American Medical Association, “Smallpox as a Biological Weapon: Medical and Public Health Management” (1999) 281 JAMQ 2127 at 2128.



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¹³⁹ *Ibid* at 32.

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**FIRST NATIONS CHILD AND FAMILY
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