

To: CAO for the Regional Indigenous Relations Committee
From: Jessica Morrison, Policy Analyst – Indigenous Relations

Date: 2019-07-11
File No: 3400-01

Subject: Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls

INTENT

This report is intended to advise the Regional Indigenous Relations Committee of information pertaining to the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Staff is not looking for a recommendation and has forwarded this information should members want more clarification to discuss the item further.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

Provide Responsive & Effective Public Services

BACKGROUND

The National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) was launched in September 2016 in order to shed light on the root causes of the disproportionately high levels of violence experienced by Indigenous women, girls, and two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual (2SLGBTQQIA) people.

DISCUSSION

The inquiry was compelled through the findings of the Truth and Reconciliation Commission (TRC), and is Canada's response to the TRC's Call to Action 41:

41. We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:

- i. Investigation into missing and murdered Aboriginal women and girls
- ii. Links to the intergenerational legacy of residential schools

The mandate of the National Inquiry was to investigate and report on systemic causes of all forms of violence experienced by Indigenous women, girls, and 2SLGBTQQIA people, and to examine institutional policies and practices implemented in response to that violence.

The National Inquiry was conducted in 4 key components, and involved 2,380 contributors in cross-country public hearings and evidence gathering:

1. Family and survivors testimony – family members and survivors of violence
2. Institutional hearings - examination of systemic institutionalized violence, and institutional responses to violence
3. Expert and knowledge keeper hearings – elders, academics, legal experts, front line workers, young people, specialists
4. Final closing submission of 94 parties with standing – non-governmental organizations, Indigenous women’s organizations, civil societies, governments and some policy agencies

The Final Report, *Reclaiming Power and Place*, was delivered in two volumes on June 3, 2019, and is accompanied by supplemental volumes on Quebec, and one on the specific matter of genocide. The report includes 231 individual Calls for Justice, many of which are actionable by Local Governments, and a 121-page Executive Summary.

The findings of the report draw attention to a common thread connecting deaths and violence toward Indigenous women, girls, and 2SLGBTQQIA people. Ultimately, and despite different circumstances and backgrounds, the connections between all of these deaths are colonial violence, racism, and

“Colonial violence, as well as racism, sexism, homophobia, and transphobia against Indigenous women, girls, and 2SLGBTQQIA people, has become embedded in everyday life – whether this is through interpersonal forms of violence, through institutions like the health care system and the justice system, or in the laws, policies and structures of Canadian society. The result has been that many Indigenous people have grown up normalized to violence, while Canadian society shows an appalling apathy to addressing the issue. The National Inquiry into Missing and Murdered Indigenous Women and Girls finds that this amounts to genocide.”

oppression.

The overarching findings of the roots of violence against Indigenous women, Girls and 2SLGBTQQIA people are complex, but are briefly summarized as follows:

1. The significant, persistent, and deliberate pattern of systemic racial and gendered human rights and Indigenous rights violations and abuses;
2. Canada's failure to meaningfully implement the provisions of legal instruments that affect the rights, protections, security and safety of Indigenous women, girls, and 2SLGBTQQIA people, provisioned in international declarations, conventions and treaties to which it is a party;
3. The Canadian state's displacement of Indigenous women and 2SLGBTQQIA people from their traditional roles in governance and leadership; and
4. The underfunding and understaffing of Indigenous women's advocacy and grassroots organizations which engage in the essential work of supporting survivors of violence and families of missing or lost loved ones.

The report identifies four main pathways that maintain colonial violence:

1. Historical, multigenerational, and intergenerational trauma;
2. Social and economic marginalization
3. Maintaining the status quo and institutional lack of will; and
4. Ignoring the agency and expertise of Indigenous women, girls, and 2SLGBTQQIA people.

Women are framed as rights-bearers, revealing human rights violations in pertaining to rights to culture, health, security, and justice.

The violations of these rights are expressed as contraventions of a number of international human rights instruments, including legally binding covenants, conventions, and treaties, as well as non-legally binding declarations (listed on page 16 of the attached Executive Summary of the Final Report).

Finding of Genocide

The finding of the National Inquiry that the situation facing Indigenous women, girls, and 2SLGBTQQIA people amounts to genocide, has been received as both revelatory, and controversial, by different audiences in Canada. However, in his response to the Final Report, Prime Minister Justin Trudeau has said, "We accept the finding that this was genocide, and we will move forward to end this ongoing national tragedy."

In an effort to address the anticipated controversy surrounding the application of the term in this circumstance, the National Inquiry included a 46-page supplemental volume, 'A Legal Analysis of Genocide' to address the matter specifically.

The United Nations adopted the Convention on the Prevention and Punishment of the Crime of Genocide (PPCG) on December 9, 1948. Article II of that convention holds that:

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as:

- (a) Killing members of the group;*
- (b) Causing serious bodily or mental harm to members of the group;*
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- (d) Imposing measures intended to prevent births within the group;*
- (e) Forcibly transferring children of the group to another group.*

Canada signed the Convention in 1949 and formally ratified it in 1952.

In 2015, the Final Report of the Truth and Reconciliation Commission (TRC) applied the term 'cultural genocide' to its findings regarding the history of the Indian Residential school system which operated formally in Canada from 1884 until 1996. It is worth noting that the TRC could have not gone as far as declaring the Indian Residential School system 'genocide', as it was not established as a legal tribunal or public inquiry with the power to hold formal hearings. A finding of genocide would have been outside of the TRC's mandate.

The Calls for Justice

The Final Report of the National Inquiry includes 231 Calls for Justice, which are also included in the Executive Summary (attached).

The themes represented in these Calls for Justice are:

1. Human and Indigenous Rights and Governmental Obligations
2. Government: Culture
3. Government: Health and Wellness
4. Government: Human Security
5. Government: Justice
6. Media and Social Influencers
7. Health and Wellness Service Providers
8. Transportation Service Providers and the Hospitality Industry
9. Police Services
10. Attorneys and Law Societies
11. Educators
12. Social Workers and Those Implicated in Child Welfare
13. Extractive and Development Industries
14. Correctional Service Canada
15. All Canadians
16. Distinctions-Based Calls
 - a. Inuit
 - b. Métis
 - c. 2SLGBTQQIA

COST

NA

CONCLUSION

Given the extensiveness of the 231 Calls for Justice, and the fact that they were just recently released, this report serves only as a summary of the overarching themes in the Final Report and the Calls for Justice. There are Calls for Justice which can and should be address by the FVRD as a regional dtrict, as well as others specific to municipalities. However, more time will be required to analyze the 1,247 page report and its findings, to develop organizational policy recommendations which would address those Calls for Justice specifically applicable to the regional district.

Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, and its supplementary volumes, can be read online at:

www.mmiwg-ffada.ca/final-report

The report can also be downloaded for printing, and eReader editions such as Kindle (Amazon.ca) or Kobo (Chapters.Indigo.ca), can be purchased on for a fee.

COMMENTS BY:

Jennifer Kinneman, Acting Chief Administrative Officer Reviewed and supported

Attachments:

1. News Release
2. Executive Summary of the Final Report of the National Inquiry Into Missing and Murdered Indigenous Women and Girls