

**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**

**Prepared by  
Joëlle Pastora Sala & Byron Williams  
Public Interest Law Centre**

**July 21, 2015**

## TABLE OF CONTENTS

Acknowledgements

Introduction

Methodology

Part I: Setting the Stage

Part II: Answering the Call to Action

Part III: Guidelines for a Framework

Part IV: Creating “our own process”

Appendix A: Questions for the Families, MMIWG Coalition & One-On-One Interviews

Appendix B: Acknowledging Past Research Initiatives

Appendix C: Who is Calling for What?

Appendix D: Overview of Existing Recommendations

Appendix E: Summary of Selected Processes

Appendix F: Overview of Existing Processes

Appendix G: Other Legal Tools

Appendix H: Relevant International Law Sources

Appendix I: Articles of Incorporation of the Families First Foundation

## Acknowledgements

We would like to acknowledge the families who are directly affected and thank those who have helped in the development of this Report. We have kept the names of the families confidential at their request.

We appreciate the generous assistance of the following Elders and Grandmothers who guided the development of the proposed framework:

- Elder D'Arcy Linklater
- Elder Dennis White Bird
- Elder Doris Pratt
- Elder Eliza Beardy
- Elder Elmer Courchene
- Hereditary Chief Frank Brown
- Elder Joe Hyslop
- Elder Jim Cody
- Elder Harry Bone
- Elder Henry Skywater
- Elder William Lathlin
- Elder Margaret Lavalley
- Elder Mary Maytwayashing
- Elder Peter Atkinson
- Elder Florence Paynter
- Elder Sherry Copenese
- Elder Wally Swain
- Elder Wayne Scott

Thank you as well to the youth who met with us from AYO! and Eagle's Nest.

We appreciate the contribution from the MMIWG Coalition including the following organizations:

- Aboriginal Council of Winnipeg
- East Wind Training Consulting Inc.
- Ikwe-Widdjiitiwin
- Institute for International Women's Rights - Manitoba
- Jennifer Coutu (independent)
- Ka Ni Kanichihk Inc.
- LEAF Manitoba
- Lori Mainville (independent)
- Manitoba Corrections
- Manitoba Keewatinowi Okimakanak (MKO)
- Manitoba Moon Voices Inc.
- Ma Mawi Wi Itata Centre Inc.
- Provincial Council of Women Manitoba
- Siloam Mission
- Southern Chiefs Organization (SCO)
- Wahbung

We would like to thank the following individuals from the MMIWG Coalition who allowed us to conduct one-on-one interviews over the last month:

- Damon Johnston of the Aboriginal Council of Winnipeg
- Dianna Bussey, Director of the Salvation Army Correctional and Justice Services
- Elder Mae Louise Campbell
- Elder Thelma Morrisseau
- Jamil Mahmood of the Spence Neighbourhood Association
- Kate Kehler, Executive Director of the Social Planning Council of Winnipeg
- Kate Sjoberg of the North Point Douglas Women's Shelter
- Leslie Spillett, Executive Director of Ka Ni Kanichihk
- Mary Scott, Co-Chair of the Institute for International Women's Rights
- Nikketa Campbell, Program Manager at Wahbung Abinoonjiiag, Inc.
- Trudy Lavallee, Executive Director of Ikwe Widdjiitiwin

The Public Interest Law Centre (PILC) would like to thank the following staff at the Assembly of Manitoba Chiefs (AMC):

- Amanda Meawasige
- Gail Flett
- Karen Harper
- Kathi Avery Kinew
- Grand Chief Derek Nepinak
- Marcel Balfour
- Stephanie Sinclair

The preparation of the Report was made possible with significant contributions from a *pro bono* legal team including:

- Aimée Craft
- Adele Domenco
- Bev Froese
- Danielle Barchyn
- Diane Kelly
- Helga Van Iderstine
- Jessica Saunders
- Johanna Willows
- Leilani Kagan
- Stacey Soldier

Special thanks to: Diane Poulin (independent consultant), Jared Wheeler (PILC summer intern), Katie Haig-Anderson (PILC intern), Keely Ten Fingers (independent consultant), Robert Lidstone (PILC researcher) and Will Steinberg (PILC articling student).

We appreciate the financial support from the Manitoba Law Foundation, Manitoba Research Alliance and Province of Manitoba.

# Executive Summary

## Overview

Across Manitoba and Canada Indigenous<sup>1</sup> communities and families are grieving the loss of their daughters, sisters, mothers, cousins and friends.<sup>2</sup>

Statistics identifying the precise number of Indigenous women who are missing or have been murdered vary. According to the 2014 RCMP Report, there were approximately 1,181 MMIWG cases between 1980 and 2012.<sup>3</sup> Manitoba has the third highest number of incidents of missing and murdered Indigenous women and girls (MMIWG).

This is an epidemic which plagues Canadian society at large. The international community is watching.

*“This is a continuation of genocide, sixties scoop, residential school, to take away First Nation women.”*

## Links between cultural genocide and MMIWG

The recent Truth and Reconciliation (TRC) Report shone a light on many issues relating to Indigenous people in Canada. It described a policy of “cultural genocide aimed at essential structures and practices of Canada's Indigenous people.”<sup>4</sup> The TRC found strong links between cultural genocide and the epidemic of MMIWG. It called on the Federal Government to launch a public inquiry.

## Something must be done

While there may be different views on how to address the epidemic of MMIWG, there is general agreement that something must be done and that we must prevent future crimes.

At the heart of the issue stand the families of MMIWG. For many years, the families of MMIWG have urgently called on federal, provincial and municipal governments to examine the causes of this national tragedy and to explore solutions. Many families feel a sense of abandonment and frustration.

Most existing plans for action addressing MMIWG have been developed without the direct involvement of those who are most affected.

## Listening and Understanding

Guided by the principle and intent of putting 'families first', the Assembly of Manitoba Chiefs (AMC) partnered with the Public Interest Law Centre (PILC) to listen to and understand the objectives, values and priorities of the families of MMIWG. Elders, youth and a MMIWG Coalition of service providers were also engaged and their input was directly incorporated in the approach and Report.

---

1 For purposes of this Report, the “Indigenous” is being used throughout to include First Nations, Metis and Inuit as identified in Section 35 of the Constitution Act, 1982.

2 As stated by Elder Thelma Morriveau, “*Everyday women and girls continue to go missing or are murdered. The violence against Indigenous women and girls must stop. The women and girls who are murdered and missing are someone's daughter, mother, wife, sister, grandmother.*”

3 Canada, Royal Canadian Mounted Police, *Missing and Murdered Aboriginal Women: A National Operational Overview*, (2014) online: <<http://www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.htm>> [“Operational Overview”].

4 Cultural genocide is “the destruction of those structures and practices that allow the group to continue as a group. States that engage in culture genocide set out to destroy the political and social institutions of the targeted group.” According to the Report, “For over a century, the central goals of Canada's Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada.” see Truth and Reconciliation Commission of Canada, “Honouring the Truth, Reconciling for the Future” (2015) (“TRC Report”) at p 1.

Families of MMIWG, Elders, youth and the MMIWG Coalition were clear - “it's about time we do it our own way.”

### Research on existing processes, models & recommendations

In preparing for this Report, we have conducted extensive research on existing processes and models relating to the issue of MMIWG. Existing recommendations were compiled from reports of inquiries, commissions, committees and non-governmental organizations. We do not seek to replicate this work. Existing efforts and recommendations have provided us with a basis upon which to build. According to our review, certain considerations can lead to an effective process. These include:

- early and ongoing meaningful engagement of all affected individuals and knowledge holders at every stage
- clear Terms of References which have a broad enough scope to include systemic issues
- strong courageous leaders who are not afraid of advocating for the implementation of their recommendations
- adequate and secure funding for process and implementation
- meaningful and reasonable expectations and
- a clear implementation process.

Our assessment has found that some of the recommendations which remain outstanding date back almost 25 years. Despite apparent unanimity on the need for action, the ability to move forward is tempered by the reality that many promises have been made and not kept. To a large degree, the issue is not an absence of recommendations; it is the lack of political will and results.

*There are recommendations from the Aboriginal Justice Inquiry that have not been implemented. Those need to happen. That inquiry happened for a reason and a lot of good work was done... If we're not paying attention to that, it's a mistake. And then the work out of the TRC, recommendations are on the table, we just have to make it happen.*

Many of the recommendations made by families of MMIWG, Elders, youth and the MMIWG Coalition are consistent with those made by many reports over many years. The recommendations include:

1. **Supports** - More supports should be made available to the families of MMIWG that are culturally, spiritually and religiously diverse.
2. **Honouring Loved Ones** - Measures should be taken to ensure the memory of loved ones are respected and honoured. This includes making funding available for gathering stories, annual feasts, walks, vigils and memorials.
3. **Cultural Reconnection** - There should be more opportunities for Indigenous people to learn about their culture and healthy relationships for example through parenting and language programs.
4. **Interconnected Systems** (Policing, Justice and CFS agencies) - The accountability and effectiveness of the child welfare system should be improved with direct involvement of Indigenous people.

### Families First Process

Our engagement and research efforts have led us to move away from the debate of whether or not to call for a federal or provincial inquiry. Rather, we recommend the creation of “our own” defined process - a Families First process - to be steered by 'Families First Leaders'. The Families First Leaders are the decision makers of the Families First Process. The Elders have identified the importance of having 'Leaders' guiding the process as they will require courage to tackle this complex issue.

*“[W]e need true leadership to see the difference.”*

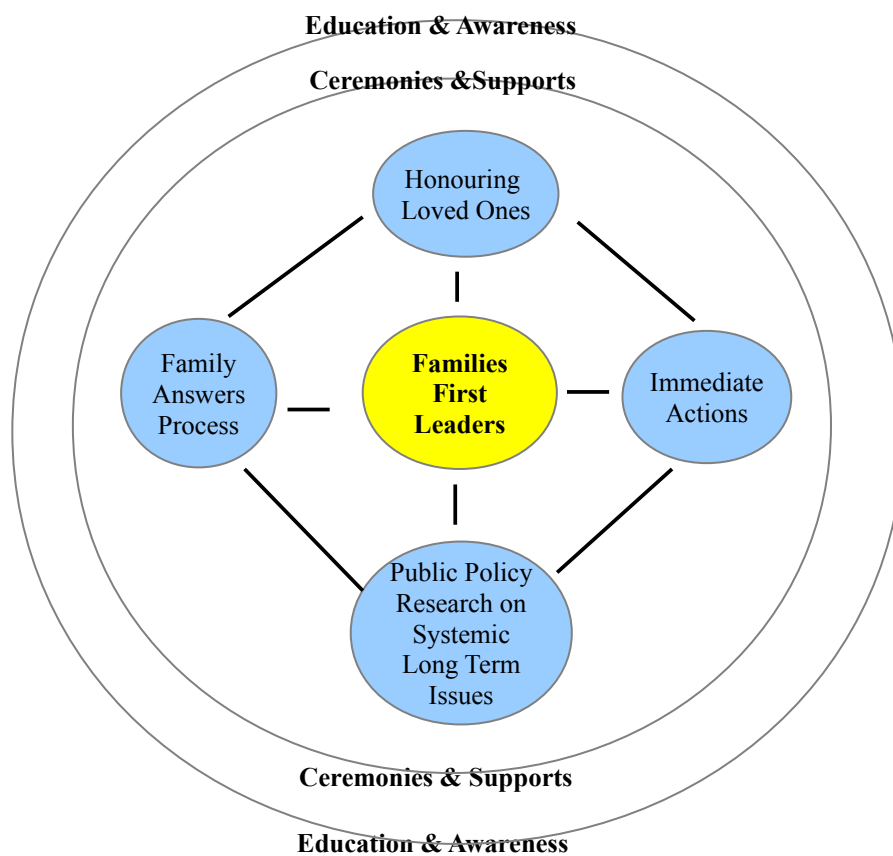
Further engagement is needed for the appointment of the Families First Leaders. On a preliminary basis,

we have heard that the Families First Leaders should include representation from:

- men and women
- North and South
- Youth
- Elders
- Grandmothers, and
- Technicians such as knowledge holders, researchers, academics and lawyers.

It is also recommended that there be eight Families First Leaders in order for a female and male to be responsible for each of the four main areas of work:

- Honouring Loved Ones
- Immediate Actions
- Public Policy Research on Systemic Long Term Issues
- Family Answers Process



*Honouring Loved Ones* - This stream of action would provide an opportunity for families to honour their loved ones in multiple ways. Its central goal is to empower families to tell their own stories and support them to maintain ownership of the way they chose to honour their loved ones.

*Immediate Actions* - The purpose of this area of work is for the Families First Leaders to identify core immediate actions; liaise with appropriate agencies to get a commitment to action; follow up and report back on progress; seek feedback from the families and others on the progress; raise public awareness on immediate actions needed and continue to push for action.

*Public Policy Research on Systemic Long Term Issues* - Opponents of a process for action indicate that there exists sufficient information and research on the issue of MMIWG. Yet families of MMIWG, Elders, youth, service providers, academics and the community at large continue to have unanswered questions.

The purpose of this work would be to complete and coordinate research on systemic long term issues including: the basic facts; the root causes of sexual exploitation and interrelated factors (poverty, child welfare, justice system, Indian residential schools, Sixties Scoop, etc).

*Family Answers Process* - Families have a lot of questions about their loved ones - their individual cases. This stream of action will have varying levels of formality and will provide an opportunity for: families to receive answers to their questions; better understanding of perspectives and responsibilities; improving relationships; more accountability and closure for the families.

Strong supports for all involved will be put in place to surround this work. In addition, education and awareness activities will be undertaken to promote positive relationships.

The proposed process will be guided by the seven teachings - respect, love, truth, honesty, wisdom, humility and courage. This Report - Families First - is the first step in a Manitoba-made way forward that can serve as an example for other jurisdictions to consider. Families First seeks to

- address the gaps of knowledge which have been created because families of MMIWG, Elders, youth and service providers have been largely excluded
- address the historic distrust between Indigenous and non-Indigenous people and focus on achieving long term relationships
- identify and achieve both immediate and long term solutions to address the social, cultural, political and economic issues relating to MMIWG by including those who are affected by the issue at all steps of the process
- educate the broader public on underlying historical and systemic issues contributing to violence against Indigenous women and girls
- give equal weight to natural, spiritual laws and Canadian laws
- honour loved ones and support families to feel strong enough to tell their own stories where they feel most comfortable
- support families and communities in individual and collective healing journeys
- validate the feelings of anger, frustration and sadness of the families and
- prevent more MMIWG.

We anticipate the process will evolve as more voices are heard, the Families First process begins and the Families First Leaders begin their important work.

Given the common acceptance that the issue of MMIWG must be addressed, Families First is a necessary step in the process of healing and reconciling.

*We are not there yet. The relationship between Aboriginal and non-Aboriginal peoples is not a mutually respectful one. But, we believe we can get there, and we believe we can maintain it. Our ambition is to show how we can do that.*<sup>5</sup>

---

<sup>5</sup> TRC Report at p 7.



# Methodology

## The Timeline

*“We admire the leadership for taking on Families First and we need our leaders to speak up and inform government and educate them of who we are. They haven't a clue of who we are.”*

September- December 2014 (Phase One)

- The Assembly of Manitoba Chiefs (AMC) initiated the Families First Approach with the assistance of the Southern Chiefs Organization (SCO) and the Manitoba Keewatinowi Okimakanak (MKO).
- The AMC approached the Public Interest Law Centre (PILC) to assist in the creation of a recommended process for action. Phase One of the work was completed between September 2014 and December 2014. The purpose of Phase One was to engage with families and the MMIWG Coalition in order to identify next steps for action to address the tragedy of MMIWG.
- This Phase included preliminary conversations with six families of MMIWG (twelve individuals) and two meetings with the MMIWG Coalition (26 representatives were in attendance at the first meeting and 25 at the second meeting). Families were contacted by telephone, electronic correspondence, letters and social media. The MMIWG Coalition was invited by electronic correspondence.
- Concurrently with and in support of the engagement with families and the MMIWG Coalition, PILC and a team of *pro bono* lawyers prepared a number of research tools. We considered current initiatives from across Canada and compiled relevant recommendations from past proceedings. Mindful of the families' preference for a grassroots, Manitoba made approach, the legal team sought to draw the best from different approaches based upon the core objective of putting families first.
  - These research tools were important because both families and community organizations expressed a desire to move past the debate about inquiries versus roundtables and to development of their own Manitoba made process grounded in Indigenous knowledge and traditions, based upon putting Families First and taking the best from existing processes.

November 12, 2014

- The AMC Chiefs in Assembly endorsed the Families First approach.

December 8, 2014

- A draft report was completed by PILC with the assistance of a *pro bono* legal team and the advise of the AMC, SCO and MKO. This draft report included:
  - background on existing processes (inquiries, commissions, roundtables and advisory panels)
  - an overview of the lessons learned from the processes examined
  - a summary of the state of affairs and summary of existing initiatives
  - potential legal tools for persuading governments to act
  - a compilation of various recommendations relating to MMIWG from 43 past processes
  - preliminary considerations of natural and spiritual laws relating to MMIWG<sup>6</sup>
- The draft report was released in time for a Families First Forum which was co-hosted by the AMC, MKO and SCO at the Canadian Museum for Human Rights. Over 150 participants attended.

December 11, 2014

- Families First was unanimously approved at the Assembly of First Nations Annual General

---

<sup>6</sup> The term 'natural and spiritual laws' is used throughout this Report instead of 'Indigenous legal traditions' or other terminology. According to Elder Henry Skywater, “in the language, the words used i.e. Indigenous legal tradition – any elder will tell you, unless you are talking about a tree, a plant- that word does not fit in [...] we have to be leery of the words; Indigenous legal traditions [...] I'm having a hard time with understanding those words.”

Assembly. The resolution obtained consensus on the Manitoba Families First Initiative to honour MMIWG and “involve and support their families first.” It also stated that

*any process including a national roundtable or inquiry must listen and hear the voices of the families of MMIWG, adequately support the families and communities in their healing journey, and honour the MMIWG.<sup>7</sup>*

January 2015 - July 2015 (Phase Two)

- Phase Two of the Project is being conducted.
- The purpose of Phase Two was:
  - to continue listening to families, Elders, youth and the MMIWG Coalition in order to further define the process
  - coordinate supports for families of MMIWG
  - propose considerations for Terms of Reference
- In early February 2015, a team of individuals from AMC, PILC and the Manitoba Research Alliance hosted gatherings in Thompson and The Pas to meet with families, grandmothers, Elders and youth.

January 2015

- Research into the 'cost of doing nothing' was initiated by Dr. John Loxley and Ms. Marina Puzyreva from the Manitoba Research Alliance.
- This research examines the cost to society of losing so many young Indigenous women and girls who otherwise would have led their lives as professionals, mothers, and home makers. It also considers the costs incurred by non-governmental and governmental agencies reacting to the tragedy of MMIWG. As part of that research, engagement was initiated with the Winnipeg Police Service, the RCMP and Manitoba Justice.
- This research is ongoing and further engagement is needed to determine actual costs relating to searches, loss of employment, child minding, etc.

February 2015

- AMC attended the AFN National Roundtable on MMIWG and submitted a brief Report.

May 13, 2015

- The Families First Foundation was incorporated.

June 20, 2015

- Inaugural Fundraiser of the Families First Foundation which began at the University of Winnipeg and finished at the Oodena Circle at the Forks.

July 21, 2015

- Families First Report presented to the Assembly of Manitoba Chiefs General Assembly

## **Our Approach**

PILC's approach to research and writing this Report is rooted in respect for families and other individuals and communities affected by MMIWG. We acknowledge natural and spiritual laws as being of equivalent value to Canadian laws.

A necessary step to creating any process is to speak with the individuals most affected by the issue. Our approach recognizes the authority and ownership of solutions rests within those most impacted by

---

<sup>7</sup> See AFN Resolution no. 37/2014.

MMIWG. Our approach is flexible and recognizes that as more voices are heard, the process will likely change.

As of July 21, 2015, engagement has taken place with approximately

- 18 families of MMIWG
- 18 community members
- 18 Elders on three occasions
- 13 youth
- more than 36 representatives from Winnipeg agencies members of the MMIWG Coalition<sup>8</sup> and
- 11 one-on-one interviews with individuals from the MMIWG Coalition.

Generally speaking, individuals were asked about preferred processes and actions to address the issue of MMIWG. Facilitators included Gail Flett (AMC), Karen Harper (AMC), Katie Haig-Anderson (PILC), Keely Ten Fingers (independent), Jared Wheeler (PILC) and Joëlle Pastora Sala (PILC). A complete list of the questions asked can be found at Appendix A.

The goal of engagement was to determine next steps and to create an approach for action based on what we heard. Another important purpose of engagement was to identify immediate and systemic actions needed to move forward.

Our research approach recognizes the need to act with urgency given the circumstances.

---

<sup>8</sup> A total of five meetings were held with the MMIWG Coalition on November 6, 2014; February 12, 2015; March 3, 2015; April 10, 2015 and May 21, 2015.

## Part I: Setting the Stage

*“We have to go back to the past to learn about our future.”*<sup>9</sup>

---

<sup>9</sup> Elder Henry Skywater.

## Complexities of the issue of MMIWG

Indigenous girls are growing up in an environment of trauma and anxiety. Parents are fearful of letting their daughters go out with friends as Indigenous women and girls are among the most vulnerable citizens in Canada – the unacceptable targets of abuse, sexual assault and murder.

The tragedy of MMIWG is driven by a complex web of historic and current contributing factors perhaps best understood within the analytical framework of 'cultural genocide.'<sup>10</sup>

Cultural genocide is

the **destruction of those structures and practices** that allow the group to continue as a group. States that engage in cultural genocide set out to **destroy the political and social institutions** of the **targeted group. Land is seized**, and **populations are forcibly transferred** and their movement is restricted. **Languages are banned. Spiritual leaders are persecuted, spiritual practices are forbidden**, and **objects of spiritual value are confiscated and destroyed**. And, most significantly to the issue at hand, **families are disrupted** to prevent the transmission of cultural values and identity from one generation to the next.<sup>11</sup> (emphasis added)

From a historical perspective, this discussion involves, among other things:

- the forced relocation of Indigenous people from agriculturally valuable or resource-rich lands to remote and economically marginal reserve
- the replacement by the Federal Government of existing Indigenous governments with band councils “whose decisions it could override and whose leaders it could depose”<sup>12</sup>
- the outright denial of participation of Indigenous people in political economic, and social life
- the outlawing of spiritual and ceremonial practices and
- the separation of Indigenous families through the residential school system.

*“The first Prime Minister said that he wanted to take the Indian out of the child and ever since then, there have been policies [...] they treated us like less than humans.”<sup>13</sup>*

*“I try so hard to remain calm and not get angry. I do. Because deep down inside of my heart I know we are not equal. We are not considered equal in the eyes of the law.”*

The combined effects of these historical events have left

deep scars on the lives of many Aboriginal people, on Aboriginal communities, as well as on Canadian society, and have deeply damaged the relationship between Aboriginal and non-Aboriginal peoples. It took a long time for that damage to have been done and for the relationship we see to have been created, and it will take us a long time to fix it. But the process has begun.<sup>14</sup>

The historical disruption to Indigenous cultures by all levels of governments continues to have an enduring and adverse effect upon:

- the roles and value of men and women
- the role and impact of the Child and Family Services system
- the prevalence of sexual exploitation and
- the existence of gang related organized crime.

In addition, the legacy is reflected today in the “significant educational, income, health, and social

<sup>10</sup> A new Angus Reid Institute survey reveals that 70 per cent of Canadians endorse the term:

<http://www.thestarphoenix.com/news/Cultural+genocide+term+endorsed+majority+poll/11199419/story.html>

<sup>11</sup> TRC Report, *supra* note 4 at p 1.

<sup>12</sup> *Ibid.*

<sup>13</sup> Elder Lathlin.

<sup>14</sup> TRC Report, *supra* note 4 at p 237.

disparities between Aboriginal people and other Canadians.”<sup>15</sup>

*“I am not going to say we lost everything - it is in our heart, our blood and nobody can take that away from us and we must bring it back for our children.”*<sup>16</sup>

While some other destructive practices have been eliminated, the damage inflicted by the epidemic of MMIWG only grows worse as the number of impacted families increases.

*“The Indigenous ways have always been to protect our land, protect our children, protect our women. The earth is our mother, the sun is our father, the moon is our grandmother. We are all related. That's the most powerful teaching we can teach.”*

The issue of missing and murdered Indigenous women and girls is an issue that affects us all. We must all take responsibility.

## **Background statistics**

Indigenous women and girls in Canada are disproportionately affected by disappearances and murders.<sup>17</sup> The unprecedented scale of this Canadian and community tragedy was first brought to light by the Missing Women Commission of Inquiry in British Columbia.<sup>18</sup>

There are a number of challenges and limitations to be considered in reviewing the statistical information. First - there is very little publicly available data on disappearances and murders. Second - the inconsistencies in the historical and current manner in which the information is and was recorded may have significantly skewed the available statistics. Third - if and when 'ethnic background' is recorded, it is usually simply generically recorded under “Aboriginal” without specification as to whether the individual is First Nations, Metis or Inuit.

Despite challenges with the data, the story that is told is grim.

An RCMP Report released in May 2014 concludes that the rate of victimization by acts of violence against Indigenous women and girls is “close to three times higher” than the case of non-Indigenous women and girls.<sup>19</sup> According to the 2014 RCMP Report, there were approximately 1,181 MMIWG cases between 1980 and 2012.<sup>20</sup> In 2010, almost one in five cases of murders and disappearances involved children - girls under 18 years old.<sup>21</sup>

In the updated 2015 RCMP Report, it states that as of April 2015 for all police jurisdictions in Canada there were 174 missing Indigenous female cases. However a database created by Maryanne Pearce for the purposes of her doctoral thesis found that from 1990 to 2013 there were approximately 3,329 missing or murdered women across Canada.

---

15 TRC Report, *supra* note 4 at p 183.

16 Elder D'Arcy Linklater.

17 According to the Native Women's Association of Canada (NWAC), more than half of the missing and murdered Indigenous women are under the age of 31 and 17% are under the age of 18. In addition, 88% had children and more than 440 children have been affected by the murder or disappearance of their mothers: Native Women's Association of Canada, *Fact Sheet: Missing and Murdered Aboriginal Women and Girls*, (2010) online: Native Women's Association of Canada <[http://www.nwac.ca/files/download/NWAC\\_3D\\_Toolkit\\_e\\_0.pdf](http://www.nwac.ca/files/download/NWAC_3D_Toolkit_e_0.pdf)> [“Fact Sheet”] at p.4.

18 Maryanne Pearce, “An Awkward Silence: Missing and Murdered Vulnerable Women and The Canadian Justice System” (2013).

19 National Operational Overview, *supra* note 3.

20 Ibid.

21 Fact Sheet” *supra* note 17.

Manitoba has the third highest number of incidents of missing and murdered Indigenous women and girls.<sup>22</sup> According to the RCMP Report, between 1980 and 2012, there were 196 'Aboriginal female homicides' in Manitoba, 20 of which were unsolved as of 2014. Research cited by the Winnipeg Free Press suggests that over the last 50 years, there have been 10 female children murdered including Phoenix Sinclair.<sup>23</sup>

The average age of missing and murdered Indigenous women in Manitoba is 20 (among those whose ages were known).<sup>24</sup> Overall, most of the known cases in Manitoba have occurred in urban areas, particularly in Winnipeg. However, the majority of the MMIWG moved to Winnipeg from rural and remote communities outside the city.

## Families First

Families have come together to organize walks, vigils and feasts in memory of their loved ones but many feel a sense of abandonment and frustration.

A wide range of governmental, national and international non-governmental organizations have raised urgent concerns over the scope and scale of the issue of missing and murdered Indigenous women and girls.<sup>25</sup> As highlighted by Amnesty International,

the level of international concern is demonstrated by the fact that in 2013 three international human rights mechanisms conducted visits to Canada either whole or in part to investigate violence against Indigenous women and girls.<sup>26</sup>

There has been a lot of public attention about whether there should be a national or provincial inquiry(ies), national or provincial roundtable(s), more police investigations or other formal processes.

Widespread agreement that the issue of MMIWG must be addressed offers an important opportunity for change. However, three significant challenges remain:

- to move beyond the debate over whether there should be an inquiry, a roundtable or some other formal mechanism<sup>27</sup>
- to ensure the voices of families of MMIWG are heard and their loved ones honoured and
- to overcome gaps and silos and initiate sustainable measurable actions that can and must be taken to stop Indigenous women and girls from becoming victims.

---

22 Operational Overview, *supra* note 3.

23 Maryanne Pearce, "An Awkward Silence: Missing and Murdered Vulnerable Women and The Canadian Justice System" (2013). cited in "Manitoba's Missing and Murdered Aboriginal Women and Girls" (January 24, 2014) Winnipeg Free Press. The report also suggests a significant number of unsolved murders.

24 Ibid.

25 See Appendix C: Who Is Calling for What? and Appendix H: International Conventions.

26 Amnesty International, *Violence Against Indigenous Women and Girls in Canada: A Summary of Amnesty International's Concerns and Call to Action*, (2014) online: Amnesty International Canada <<http://www.amnesty.ca/get-involved/lead-in-your-community/violence-against-indigenous-women-and-girls-in-canada-a-summary>> ["Amnesty Call to Action"] at p. 4.

27 See for example: Aidan Greary, "Action, not inquiry needed on missing women: Judge" *Winnipeg Free Press* (7 November 2014) online: Winnipeg Free Press <<http://www.winnipegfreepress.com/local/action-not-inquiry-needed-on-missing-women-judge-281888051.html>>.

## **Part II: Answering the Call to Action**

“When to start? Now. There are a lot of things we can do that do not cost money; yes, reality is we need money to live in this world; must start and do things from our heart.”<sup>28</sup>

---

<sup>28</sup> Elder Wayne Scott.



## **A Basis Upon Which to Build**

The issue of MMIWG is not new. The breadth of existing research, current initiatives and recommendations must be acknowledged. Much work has been done and continues to be undertaken by individuals, First Nations leadership, non-governmental organizations, governments, academics and agencies (CFS and policing).

### **Selection of Past and Present Research and Initiatives**

We undertook a wide ranging review of the past research and initiatives but recognize that our efforts may have inadvertently excluded a number of important activities. Past efforts were grouped based on the entity that conducted the research or carried out the initiative under the following headings:

- Grassroots Initiatives
- Community Organizations
- Existing Academic and Legal Research
- City of Winnipeg
- First Nation political organizations
- Manitoba
- National Aboriginal Organizations (NAOs)
- Federal Government and
- International community

A more extensive overview of past research and initiatives can be found at Appendix B.

### **Selected Highlights of Grassroots activities**

Many of the activities at the grassroots held by family members and concerned individuals and groups focus on honouring loved ones. Annual events are organized throughout Manitoba including: the Annual Memorial Feast in honour of Hillary Angel Wilson; Annual Awareness Walk for All Missing People hosted by Brenda Osborne; Annual fundraiser BBQ and Silent Auction hosted by Bernice and Wilfred Catcheway; and the Annual Mothers Day Feast for families of MMIWG hosted by Sue Caribou.

Many families, interested individuals and organizations have also mobilized to demand action on MMIWG. On August 25, 2014 a group of concerned individuals camped in Winnipeg's Memorial Park calling on national leaders for an inquiry into MMIWG. On several occasions, peaceful protestors have blocked traffic on busy Winnipeg intersections in an effort to raise awareness and call for an inquiry into MMIWG.<sup>29</sup>

Individuals have found creative ways to honour the MMIWG and to search for loved ones who are still missing. Many have taken to social media to share pictures and stories of their loved ones either to assist in search efforts or to honour their memories. In Winnipeg, a volunteer-based initiative named “Drag the Red” emerged after 15 year old Tina Fontaine's body was found in the Red River.<sup>30</sup>

A number of events and vigils are regularly held across Manitoba and Canada to honour MMIWG. These

---

<sup>29</sup> See: Megan Roberts, “Protestors block traffic on Portage to raise awareness over murdered, missing indigenous women” (September 2 2014) CTV News.

<sup>30</sup> Drag the Red is an initiative which is composed of a group of volunteers who dredge the Red River in hopes of finding the remains of missing and murdered Indigenous women and girls.

include the Annual Women's Memorial March held on February 14<sup>th</sup>, the October 4<sup>th</sup> Sisters in Spirit Vigil and the Annual No Stone Unturned Concert for families of Missing and Murdered Women, Men, Two-Spirit and Children.

### **Community Organizations**

Many non-governmental and not-for-profit organizations have been doing valuable work on a daily basis with individuals at the grassroots. One example, Ka Ni Kanichihk, is a community-based organization that provides culturally-based education, leadership and community development, healing and wellness programs and services that are rooted in the restoration and reclamation of Indigenous cultures. In 2012, Ka Ni Kanichichk Inc prepared a toolkit for the families of MMIWG.

### **Existing Academic & Legal Research**

A number of academics throughout Canada are currently conducting research on the issue of MMIWG. A review of published articles relating to the issue points to a breadth of existing research diverse disciplines including law, sociology, criminology, geography and politics.

Examples of articles published in the area include:

- Professor Maryanne Pearce wrote a thesis for her postdoctoral studies at the Faculty of Law at the University of Ottawa on the issue of MMIWG. Her thesis is entitled - “An Awkward Silence: Missing and Murdered Vulnerable Women and the Canadian Justice System” (2013)
- In 2010, Professors Elizabeth Comack from the University of Manitoba and Maya Seshia from University of Alberta published an article examining violence against sex trade workers in Winnipeg, including violence against Indigenous women and girls.<sup>31</sup>
- Professor Brenda Gunn from the University of Manitoba Law School published an article in 2014 relating to the impacts of colonization on Indigenous women, including Indigenous women in the right to self-determination.<sup>32</sup>
- Professor John Borrows of the University of Victoria published an article in 2013 about reinterpreting s. 35 to include issues of gender and violence.<sup>33</sup>
- Professor Elaine Craig from Dalhousie published an article in 2014 about the Pickton prosecution on whether the families of the victims felt they received justice through the inquiry process.<sup>34</sup>
- Professor Melina Buckley refers to the Pickton inquiry principles of equality law relevant to the issue of MMIWG.<sup>35</sup>
- Professor Sherene Razack from the University of Toronto discusses the murder of Pamela George in Regina and traces the history of violence against Aboriginal women.<sup>36</sup>

The Legal Strategy Coalition on Violence Against Indigenous Women is a nation-wide coalition of groups and individuals engaged in legal advocacy and research to urgently address the issue of MMIWG. In December 2014, two legal research volunteers released a report which documents where recommendations relating to MMIWG have not been implemented.<sup>37</sup>

---

31 Elizabeth Comack & Maya Seshia, “Bad Dates and Street Hassles: Violence in the Winnipeg Street Sex Trade” CJCCJ 2010.

32 Brenda Gunn, “Self-Determination and Indigenous Women: Increasing Legitimacy through Inclusion” CJWL 2014.

33 John Borrows, “Aboriginal and Treaty Rights and Violence Against Women” 2013 Osgoode Hall Law Journal 50.

34 Elaine Craig, “Person(s) of Interest and Missing Women: Legal Abandonment in the Downteam Eastside” McGill Law Journal 2014.

35 Melina Buckley, “No Shadows in the Fog: Personal Reflections on The Working to Make the Promise of Equality a Lived Reality” UNB LJ RD UN-B 2013.

36 Sherene H Razack, “Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George” 15 CJLS 2000.

37 The Families First Leaders may wish to explore potential collaboration with this legal research group.

## **Winnipeg**

In 2014 the City of Winnipeg and the Province of Manitoba announced a combined contribution of \$300,000 to expand access to a drop-in centre at Ndinawemaaganag Endaawaad Inc.

Also in 2014, Winnipeg City Council adopted a motion calling for a national inquiry or national roundtable.<sup>38</sup> The Resolution committed the City of Winnipeg to further fund Ndinawe annually for \$150,000 to ensure its long term viability and also called on the Winnipeg Police Board to task the Winnipeg Police Service (WPS) to do all things necessary to provide a proactive approach to prevent, investigate and solve the plight of missing and murdered Indigenous women in Winnipeg.

In late January 2015, Winnipeg was named Canada's most racist city. As a response, Mayor Brian Bowman created a website to solicit ideas on how to combat racism.<sup>39</sup> On June 22, 2015, Mayor Bowman, joined by Wab Kinew, announced the creation of the Mayor's Indigenous Advisory Circle (MIAC) “to advise on policies the city of Winnipeg can implement to build bridges and understanding between Aboriginal and non-Aboriginal communities.”<sup>40</sup>

## **First Nation political organizations**

The Assembly of Manitoba Chiefs (AMC) has responded to the issue of MMIWG in a number of ways.

At the request of the families of MMIWG, in 2009 the AMC Chiefs-in-Assembly passed a resolution to call on the Federal and Provincial Governments for a Public Inquiry into MMIWG.

In 2012, the AMC played a central role in the development of a coalition of individuals and community service organizations focused on developing an action plan on MMIWG. This coalition is referred to throughout the Report as the “MMIWG Coalition.” Together, the AMC and the MMIWG Coalition organized community mobilization activities, including walks and vigils.

In June 2012, the Grand Chiefs of AMC, MKO and SCO were involved in political mobilization. Together they wrote to the Provincial and Federal Governments calling for provincial and national inquiries into MMIWG. These requests were both subsequently denied.

## **Manitoba**

In response to the push from the grassroots and Indigenous leadership, Manitoba has become a leader on the issue of MMIWG. On August 26, 2009, Manitoba created a specialized task force of individual police officers, prosecutors and victim service workers to respond to serial predators and cases of MMIWG - the Manitoba Action Group on Exploited and Vulnerable Women. Based on a review of 84 investigations, Project Devote was created to investigate 20 unsolved historical homicides. In 2011, the organization launched a public awareness campaign aimed at helping the public empathize with families of MMIWG.

The Province's prevention efforts have focused on Tracia's Trust: Manitoba's Sexual Exploitation Strategy. It includes a three phase approach, including a multi-year plan with 23 components focusing on human trafficking, offender accountability and protection for victims. This strategy currently invests over \$10 million annually for initiatives to prevent and intervene against sexual exploitation of children, youth and adults in Manitoba.

The Province's intervention efforts have focused on supports for families. In 2010, the Aboriginal Issues Committee of Cabinet appointed Ms. Nahanni Fontaine as the Special Advisor on Aboriginal Women's Issues. Her primary focus and responsibility is the MMIWG portfolio. Since 2012, the Province has hosted annual Christmas celebrations for the families of MMIWG. “Wiping away the Tears,” is an

38 At p 8:<http://www.winnipeg.ca/clkdms/ViewDoc.asp?DocId=13884&SectionId=&InitUrl=>

39 The website was [www.1Winnipeg.ca](http://www.1Winnipeg.ca).

40 City of Winnipeg “Mayor's Indigenous Advisory Circle members announced” (June 22, 2015) online: [http://winnipeg.ca/cao/media/news/nr\\_2015/nr\\_20150622.stm](http://winnipeg.ca/cao/media/news/nr_2015/nr_20150622.stm)

annual meeting where families of MMIWG gather to support each other in their healing journeys.

There are many other projects supported by the province of Manitoba such as: a Memorial Quilt project in partnership with the Winnipeg Art Gallery and a monument honouring Manitoba's MMIWG unveiled at The Forks.

Provincial funding is also provided for many programs, such as: the Aurora Family Therapy Centre's 'Unresolved Loss' program which enhances supports and long-term counselling for the families of missing persons; Ka Ni Kanichihk's efforts to expand and enhance the work of the Medicine Bear Project in order to increase partnerships and resources in rural and northern communities; and Eyaa-Keen's Ni Mino Biimatiziiwin Project (My Good Life) to address grief and loss experienced by families of MMIWG.

Most recently, the Province of Manitoba has offered to host the second national roundtable on MMIWG.<sup>41</sup>

### **National Aboriginal Organizations (NAOs)**

The National Aboriginal Organizations include: the Assembly of First Nations (AFN), the Congress of Aboriginal People (CAP), Métis National Council (MNC), Inuit Tapiriit Kanatami (ITK) and the Native Women's Association of Canada (NWAC).

NWAC launched the Sisters In Spirit Campaign in 2004. In 2005, it began a five year research, education and policy initiative addressing the root causes and circumstances of MMIWG. Since 2007, NWAC has hosted a series of National Aboriginal Women's Summit (NAWS) addressing the issue of MMIWG. In both 2009 and 2010 NWAC released reports focusing on the issue of MMIWG. NWAC has since released a number of other Reports and has also organized vigils in honour of MMIWG in a number of Canadian cities from coast-to-coast. In 2014, the Canadian Association of Chiefs of Police and NWAC partnered to create an action plan on MMIWG.

In 2012, the Assembly of First Nations (AFN) created a "Coordinated and Urgent Action to End Violence Against Indigenous Women & Girls - Towards a National Action Plan".

In February 2015, a one-day National Roundtable on MMIWG brought together the NAOs and representatives from the federal, provincial and territorial governments. There is little publicly available information about the follow up to the National Roundtable on MMIWG.

The AFN National Chief Perry Bellegarde continues to call on the Federal government to act immediately on the issue of MMIWG and to share more information on violence against Indigenous women and girls.

### **Federal government**

In 2009, an Aboriginal Affairs Working Group<sup>42</sup> developed recommendations and identified actions to, among other things reduce violence against Aboriginal women and girls.<sup>43</sup> In 2010, the Standing Committee on the Status of Women passed a motion to undertake a study on violence against Indigenous women and released a report in 2011 which outlines a number of root causes.<sup>44</sup> In 2014, the Canadian House of Commons unanimously passed a Motion recognizing a number of Indigenous women and girls have gone missing or been murdered and that the federal government has a responsibility to provide

41 <http://globalnews.ca/news/2114030/manitoba-offers-to-host-roundtable-on-missing-murdered-women/>

42 Assembly of First Nations (AFN), the Congress of Aboriginal Peoples (CAP), the Inuit Tapiriit Kanatami (ITK), the Metis National Council (MNC) and the Native Women's Association of Canada (NWAC).

43 Aboriginal Affairs Working Group "A Framework for Action in Education, Economic Development and Violence Against Aboriginal Women and Girls" (2010).

44 Standing Committee on the Status of Women, "Interim Report: Call into the Night: An overview of violence against Aboriginal Women" (March 2011) 40th Parliament, 3rd Session. Also see: Standing Committee on the Status of Women "Ending Violence Against Aboriginal Women and Girls: Empowerment – a New Beginning" (2011).

justice for the victims and healing to the families.

The Special Committee on Violence Against Indigenous Women was appointed to propose solutions to address the root causes. With the assistance of the Native Women's Association of Canada (NWAC), the Committee produced a report which recommended a national inquiry. Despite this Report, the Federal Government rejected the need for an inquiry.

Recently, Senator Serge Joyal called for a proceeding in Federal Court “to obtain a declaration ordering the Canadian Government to establish a National Inquiry to investigate the plight of missing and murdered aboriginal women.”<sup>45</sup> It is unclear whether any follow up to this recommendation has been undertaken.

The RCMP issued a report in 2014 concluding that there is a disproportionate number of Indigenous women and girls who have been murdered, sexually exploited, and who have gone missing.<sup>46</sup> In 2015 the RCMP released an update which indicated that Aboriginal women continued to be over-represented among Canada's murdered and missing women.<sup>47</sup>

Despite repeated calls by individuals, non-governmental organizations and government- the Federal government continues to refuse to hold a national inquiry into MMIWG.

### **International community – a close eye on Canada's actions and inactions**

A wide range of international organizations and bodies, such as Amnesty International and Human Rights Watch, are also calling on the Canadian government for urgent action given the scale and scope of ongoing violence against Indigenous women and girls. Many international conventions and implementation committees have also called on the Canadian government to combat the high levels of violence against Indigenous women and girls.<sup>48</sup>

As a Member State of the Organization of American States (OAS), Canada has international and national responsibilities. For example, the American Declaration of the Rights and Duties of Man, adopted in 1948, sets out fundamental human rights and freedoms including in article 1 which states that “every human being has the right to life, liberty and security of the person.” The Inter-American Commission on Human Rights (IACHR) takes the position that the American Declaration on the Rights and Duties of Man is a source of legal obligation on Member States of the OAS, including Canada.<sup>49</sup>

Canada has **not** signed or ratified the *American Convention on Human Rights*. However, that does mean

---

45 Senator Serge Joyal, “Missing and Murdered Aboriginal Women in Canada: What to Do?” (2014) at p 7.

46 Canada, Royal Canadian Mounted Police, Missing and Murdered Aboriginal Women: A National Operational Overview, (2014) online: <<http://www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.htm>> [“Operational Overview”].

47 Canada, Royal Canadian Mounted Police, Missing and Murdered Aboriginal Women: 2015 Update to the National Operational Overview (2015) online: <<http://www.rcmp-grc.gc.ca/pubs/abo-aut/mmaw-fada-eng.htm>> [“2015 Update”].

48 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - Committee against Torture, June 2012 at para 20 ; Convention on the Rights of the Child – Committee on the Rights of the Child , October 2012 at para 46; Convention on the Elimination of All Forms of Discrimination-Committee on Economic, Social, and Cultural Rights, May 2006 at para 29 ; Committee on Economic, Social and Cultural Rights May 2006 at paras 11 (d), 15, 26; Convention on the Elimination of All Forms of Discrimination against Women – Committee on the Elimination of Discrimination against Women, November 2008; Report of the Special Rapporteur on the Rights of Indigenous People, James Anaya – July 2014 at paras 35 and 89; Human Rights Council, Report of the Working Group on the Universal Periodic Review , June 2009 at para 49; International Convention on the Elimination of all Forms of Racial Discrimination – Committee on the Elimination of Racial Discrimination, May 2007.

49 ... the Commission in its decisions has *repeatedly interpreted the American Declaration as requiring States to adopt measures to give legal effect to the rights contained in the American Declaration*. The Commission has not only required States to refrain from committing human rights violations contrary to the provisions of the American Declaration, *but also to adopt affirmative measures to guarantee that the individuals subject to their jurisdiction can exercise and enjoy the rights contained in the American Declaration*. (emphasis added)

the IACHR does not have any authority or jurisdiction to investigate allegations of human rights violations. Article 18 of the *Statute of the Inter-American Commission on Human Rights* and Article 20 of the American Convention on Human Rights give the IACHR the authority to observe Member States, issue reports, and make recommendations to governments regarding human rights violations.<sup>50</sup>

On December 21, 2014, the IACHR issued a report entitled, “Missing and Murdered Indigenous Women in British Columbia, Canada” (“IACHR Report”).<sup>51</sup>

The Report found that there is a “strong connection” between discrimination and violence against women.<sup>52</sup> The Report discusses the principle of “due diligence” within the context of MMIWG. It explains that the due diligence principle involves four obligations:

- the obligation to prevent
- the obligation to investigate
- the obligation to punish and
- the obligation to make reparations for human rights violations.

The Report calls on States to adopt “comprehensive measures to comply with due diligence in cases of violence against women.”<sup>53</sup>

In July 2014, a report was prepared by United Nations Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, dealing with several issues relating to the human rights of Indigenous peoples in Canada, including the issue of MMIWG.

Most recently, on July 6 2015, Dr. Pamela Palmater spoke to the 114<sup>th</sup> Human Rights Committee Session to brief the United Nations on Canada's relationship with Indigenous people. Dr. Palmater explicitly referenced the fact that Indigenous women and girls are over-represented in those that are missing or murdered – 16% nationally, but as high as 55% in provinces like Saskatchewan. She also called on the Committee to “take emergency action to address structural discrimination especially the over-representation of Indigenous children in care, murdered and missing Indigenous women and girls; and the over-incarceration of Indigenous peoples”

## Media

CBC News investigated reports of missing and murdered Indigenous women and girls over the last six

---

<sup>50</sup> IAHR report, p. 21.

<sup>51</sup> The IACHR limited its investigation to British Columbia because that province has the highest number of murdered and missing Indigenous women in Canada, primarily because of the “Highway of Tears” and Vancouver’s Downtown East Side. According to the IACHR Report, B.C. has about 160 documented cases of murdered or missing Indigenous women. The IACHR hearings were held at the request of the Native Women’s Association of Canada, the Canadian Feminist Alliance for International Action and the University of Miami Human Rights Clinic. In addition, the IACHR visited Ottawa and British Columbia to meet government officials, Aboriginal leaders, non-governmental organizations, and family members.

<sup>52</sup> “Gender-based violence is one of the most extreme and pervasive forms of discrimination, severely impairing and nullifying the enjoyment of women's rights.” : para 135, 138. It recognizes that Indigenous women “face two layers of discrimination as from the time they are born: first as members of their racial and ethnic group and second on the basis of their sex.” : Para 139.

<sup>53</sup> It states that: Given the strong connection between the greater risks for violence that indigenous women confront and the social and economic inequalities they face, **States must implement specific measures to address the social and economic disparities that affect indigenous women.** The IACHR recalls the statistics described in the previous section that demonstrate that **indigenous women in Canada constitute one of the most disadvantaged groups on Canada.** These statistics, according to some civil society organizations: point to the existence of **institutionalized racism towards Aboriginal people, and towards Aboriginal women and girls, in the laws and policies of the Government of Canada with respect to the child welfare and criminal justice systems, and in the provision of education [...] and other essential services. Canada is failing to live up to its [international] obligations [...]** to ensure that public authorities and public institutions eliminate racial discrimination, and to review and amend any laws or policies which have the effect of creating or perpetuating discrimination.”: see para 165.

decades in Canada and created a database in 2014 that is updated regularly. The project is ongoing.<sup>54</sup> Families have shared with us their appreciation for the manner in which these CBC stories are reported as they focus on telling the stories from perspective of the families.

## Existing Recommendations

### Overview

In preparing for Families First, a review of the existing research and initiatives was conducted to better understand the context within which the Process will operate. The review demonstrates that although the actions prescribed may vary, there is common recognition that the issue of MMIWG demands immediate attention. Appendix D includes a more detailed overview of the existing recommendations. The analysis also serves to better understand “who is calling for what”<sup>55</sup>, identify the existing research and action gaps and explore areas of future collaboration.

Recommendations were compiled from reports of inquiries, committees, and non-governmental organizations, all of which address the issue of violence against Indigenous women. Some of the recommendations which remain outstanding date back almost 25 years to the Aboriginal Justice Inquiry.

Based on past processes and initiatives, we already know that there are many immediate actions which could be undertaken to address the issue of MMIWG. Although some of the recommendations from prior processes are region specific, many lessons can be drawn from this review.

The purpose of this research was not to blame particular governments or institutions but rather to present concrete action items to governments and institutions while recognizing the important work that has already been done.

For ease of reference the recommendations were grouped into the following themes:

- Honouring the Memory of Missing and Murdered Indigenous Women and Girls
- Safety and Security Measures
- Policing and Justice
- Missing Persons Investigations
- Poverty
- Gender Inequality
- Addressing the Legacy of Racism and Assimilation Measures
- Social Services
- The Child Welfare System
- Migration from Rural and Remote Communities to Urban Centres
- Government Leadership

### Summary of Existing Recommendations

Theme	Existing Recommendation	Reports
Honouring the Memory of MMIWG	Ensure that memories of loved ones are respected and family members supported.	Committee on Violence Against Indigenous Women; Missing Women Inquiry; TRC Report; Inter American Commission on Human Rights Report on Missing and Murdered Indigenous

54 CBC News, Missing and Murdered: Unsolved Cases of Indigenous Women and Girls, online: <<http://www.cbc.ca/missingandmurdered/>>.

55 Appendix C entitled “Who is Calling for What?” includes an overview of the types of actions being called for by a number of local and national organizations whether it be inquiries, roundtables or other.

		Women in British Columbia, Canada.
Safety and Security Measures	<p>1) Create public awareness campaigns on violence against women and girls as a preventative measure.</p> <p>2) Put measures in place to protect women and girls from violence on reserves and urban areas, should be immediately protected from violence.</p> <p>3) Provide special consideration to violence related to sex work. For example - Provincial governments should fund collaborative action research on entry of women into sex trade.</p> <p>4) Safe houses and counselling should be made available to Indigenous women, girls and youth.</p>	<p>1) Committee on Violence Against Indigenous Women; Stolen Sisters; TRC Report; RCAP; Missing Women Inquiry.</p> <p>2) Missing Women Inquiry; Committee on Violence Against Indigenous Women; Stolen Sisters.</p> <p>3) Committee on Violence Against Indigenous Women; Missing Women Inquiry; CEDAW Report.</p> <p>4) Missing Women's Inquiry; NWAC; RCAP</p>
Policing and Justice	<p>1) Improvements must be made in responsiveness and accountability of police.</p> <p>2) Standards based on best practice must be put in place to address institutional apathy and racism in policing and justice.</p> <p>3) More effective investigative procedures should be implemented for dealing with violence against women and missing persons cases.</p> <p>4) Increased communication and information sharing with the families of MMIWG and media is needed.</p>	<p>1) Stonechild; Ipperwash; Missing Women Inquiry; CEDAW Report; TRC Report; Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada.</p> <p>2) Stonechild; Ipperwash; Missing Women Inquiry; CEDAW Report; TRC Report; Aboriginal Justice Inquiry, Committee on Violence Against Indigenous Women; Intergovernmental Missing Women Working Group Report; Stolen Sisters; Ipperwash; Intergovernmental Missing Women Working Group Report.</p> <p>3) CEDAW Report; TRC Report; Aboriginal Justice Inquiry; Missing Women Inquiry; Stolen Sisters; Intergovernmental Missing Women Working Group Report; Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada.</p> <p>4) Missing Women Inquiry; Stolen Sisters; Intergovernmental Missing Women Working Group Report, CEDAW Report.</p>
Poverty	Create adequate shelter and employment opportunities. Poverty must be understood by levels of government as a major driver of insecurity and vulnerability.	TRC; Committee on Violence Against Indigenous Women; Manitoba Ombudsman's Report; Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada; CEDAW Report; Phoenix Sinclair Inquiry; Assembly of Manitoba Chiefs, "Bringing Our Children Home: Report and Recommendations" ; Phoenix Sinclair Inquiry ; NWAC Report: Sexual Exploitation



		and Trafficking of Aboriginal Women and Girls; RCAP; Stolen Sisters.
Gender Inequality	Increase funding to support research and skills development to address gender social and economic inequalities for Indigenous women and girls.	Aboriginal Justice Inquiry; Royal Commission on Aboriginal Peoples; NWAC.
Addressing the Legacy of Racism and Assimilation Measures	All levels of governments should acknowledge inter-generational effects and expand education programs, including in school systems to address legacy of racism and assimilation.	TRC Report; RCAP; Stolen Sisters; CEDAW Report; Phoenix Sinclair Inquiry.
Social Services	Administration of existing social services should be improved to include culturally appropriate education, youth programming, counselling, violence and drug addiction recovery programs.	Committee on Violence Against Indigenous Women; Phoenix Sinclair Inquiry; RCAP; Stolen Sisters; NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls; Intergovernmental Missing Women Working Group Report.
Child Welfare System	The Child Welfare System should reflect importance of family connections and must collaborate with community based organizations.	Bringing Our Children Home
Migration from Rural and Remote Communities to Urban Centres	Attention must be paid to the needs and issues related to transitioning from rural areas to urban centres and safe spaces should be made available.	Aboriginal Justice Inquiry; Missing Women's Inquiry in BC and Phoenix Sinclair Inquiry.
Government Leadership	Federal, provincial and territorial governments should acknowledge the validity of natural and spiritual laws and the need for self-determination /self-governance in areas such as family law, child protection, education and health.	TRC Report; RCAP; Missing Women Inquiry; Committee on Violence Against Indigenous Women.

## What we heard on immediate and systemic actions

### Overview

What we heard from the families of MMIWG, Elders, Youth and the MMIWG Coalition highlights the desire to work collaboratively to achieve tangible results.<sup>56</sup> But the desire to work together on concrete action is tempered by the reality that many promises have been made and not kept and by the recognition that a profound societal transformation will be required before success can be declared.

Many of the recommendations made by families of MMIWG, Elders, youth and the MMIWG Coalition are consistent with those made by many reports over many years. Despite apparent unanimity on the need for action, it is important to note that calls to action have been made repeatedly with a number of important recommendations repeated in numerous reports. To a large degree, the issue is not an absence of recommendations; it is the lack of political will and results.

Given the material gap between aspiration and action, an important consideration in 'answering the call to

<sup>56</sup> See Appendix A: Questions for Families, MMIWG Coalition, One-On-One Interviews

action' is to identify an inclusive process for defining success and a credible entity for evaluating success. Taking the child welfare system as an example, success for a government entity might be a reduction in the number of Indigenous children in CFS by a targeted year. For families, Elders, and youth the objective may be much farther reaching. Success will be when Indigenous families are no longer being broken up and all children are returned home.

In the discussion which follows, we separately identify the recommendations from families of MMIWG, Elders, Youth and the MMIWG Coalition.

## **From Families**

### **More Supports Needed**

*“I am still today angry and I have nobody to talk to.”*

Most, if not all of the families engaged have requested that more supports be made available. These supports include: attendants to accompany families to court, 24/7 culturally and spiritually diverse grievance counselling, addiction services and child minding. The supports identified also included the need for safe spaces for Indigenous women and men. Some families emphasized that it is important to include supports for Indigenous men and boys as they are also hurting and require healing. Families suggested a Northern conference or workshop on healing for both men and women.

Many families identified the need to make financial support available to help families with searches, funeral costs as well as costs associated with the care for the children of MMIWG. Families expressed frustration with the lack of financial assistance for searches. One family member referred to the “cost of finding a missing person” as extremely expensive. It was pointed out by several family members in the North that the costs associated with searches were particularly high for families whose loved ones have gone missing in Winnipeg or other areas. These families have to commute back and forth to complete searches or meet with investigators at a high personal cost - they often have to miss work and temporarily take their children out of school.

Some families preferred to be on their own while others expressed the desire to coordinate gatherings with families. One idea was to hold regular potlucks for the families in different regions in Manitoba.

There is a particular need for more supports for families in the North.

There are many gaps in communication in Northern Manitoba. Some people don't have telephones or fax machines, many people are not reachable. People are not getting information. With lack of information comes more self-isolation.

Families we spoke with indicated that in certain areas of the North, supports are limited to the families whose loved ones have been murdered. This is because the only services available are offered by Victim Services who only assist people whose family member has been (confirmed to be) murdered. As one family member in the North stated:

Back in 2004 when my daughter first went missing, [the Minister of Aboriginal and Northern Affairs] asked me what kind of services [I] required. I told him - family counselling- but nobody ever phoned me or even wrote me a letter.

It was also recommended that steps be taken to ensure that supports are coordinated and that families are fully aware of the range of services available. In some instances, supports are available but are not brought to families' attention. Coordination of information sharing among families of MMIWG was also suggested. Moreover, several indicated it was necessary for resources to be easily accessible by all.

Family members often stressed that supports were also needed for the community at large as everyone

suffers when a life is lost. This was especially apparent in smaller and more isolated communities.

### **Training People in Communities to Help One-Another**

Many of the family members identified the need to “train more people who are families who are directly affected.” Although certain family members were not ready to help others, some families stated they wanted to help other families in their healing journeys. They said that those who are directly affected “know best” how to support others. This was said to be particularly important for families in Northern and remote communities.

### **Education and Awareness**

Many families stressed the importance of education and raising awareness on MMIWG, particularly around racism and sexism. A poster campaign was suggested to shed light on some of the older cases that generally get little attention. Families felt that education and awareness should be directed at people of all races and backgrounds.

Some identified the need for education in schools on the issue of MMIWG and the importance of teaching children and youth how to protect themselves and be safe.

Families stated that there should be an annual Mothers Day feast, as well as walks, vigils, and memorials, that would honour missing and murdered women and raise awareness.

### **Prevention**

Families also emphasized the need to prevent violence and protect youth and women. This can be done via outreach to women on the street, empowering young people, and funding agencies that work with at-risk youth. One suggestion was the creation of workshops throughout Manitoba on self-esteem for young Indigenous women and men. It is also important to provide education and support to youth moving to Winnipeg and other urban areas from First Nation communities. Some families mentioned that one concrete way to improve safety is to provide 24 hour safe spaces (for example in the North and West End of Winnipeg).

### **Media**

Families identified a need to improve media portrayal of MMIWG and improve relationships between families and media. Some indicated there should be pressure on media to dismantle stereotypes about Indigenous women and girls. A Media Charter was suggested to facilitate this shift.

### **Policing agencies**

“It's so impersonal the way things are being dealt with.”<sup>57</sup>

Families say that work must be done to improve police accountability, and to improve communication between the families and the police and justice officials. One suggestion is to have open forums with police in order for them to hear directly from the families of MMIWG what they are going through. The families said it would be important for Elders to attend such gatherings. The importance of having more regular cultural sensitivity training for police and more Indigenous women on police forces also was emphasized.

After loved ones have gone missing, many families have had to wait for the police and community to respond. Empathetic 24 hour contact persons are needed for families to ask questions and receive information about their investigations. Families recommended a policy of immediate action by police on missing Indigenous women and girls, rather than a wait time.

---

<sup>57</sup> Family member in The Pas.

“The 48 hours that RCMP has to wait is far too long.”

An amber alert or search and rescue system for MMIWG was suggested.<sup>58</sup> Additionally, in communications with police, a designated contact person or advocate for families is needed.

### **Searches and Investigations**

Families stressed the need for closure. They said more extensive searches are needed for women and girls including continuation of dragging the Red River and digging in the Brady landfill. They also expressed a desire for continued investigation of older, unsolved files.

The need for more communication from police about investigations was stressed repeatedly.

### **Cultural Reconnection**

Finally, families see the vulnerability of women who go missing or who are murdered as inextricably linked to Indigenous people's disconnection from their culture resulting from the infliction of colonial projects like residential schools. They believe there must be more opportunities for Indigenous people to learn about their culture, healthy relationships, and parenting approaches through an Indigenous lens. Families stated that there must be education for men and a return to the traditional roles..

*“Do you not think we had our own way? Do you really think we didn’ t have beautiful ways of raising our children?”*<sup>59</sup>

Families also spoke about the importance of Indigenous languages in education.

### **Links to the Justice and CFS Systems**

A family member stated that *“we are filling our jails and nobody is talking about the connection between justice and violence against Indigenous women and girls.”*

Another said that *“there is no respect [by governments] for our culture and ways to deal with children and offenders in the justice system”*. This is concerning as *“a lot of children in my community end up in foster care.”*

### **Poverty**

Families spoke about the importance of ensuring Indigenous people across Manitoba had access to adequate housing and employment. One family member spoke about the direct links between having unemployed men in her First Nation community and the high rates of violence.

### **From Elders**

*“Action is required... something needs to be done.”*

### **Healing and Remembering**

Ceremonies were identified as an important action for healing. Elders acknowledged that the healing processes needs to engage everyone: men and women, and traditional approaches to healing are needed.

*“Our men also are suffering. The men also need teachings as to their identity. In our culture the men*

---

<sup>58</sup> Currently, the Amber Alert is reserved for children and there is a 48 hour waiting period to investigate all other missing cases.

<sup>59</sup> Elder Campbell

*are the warriors. The ones who provide and protect women and children. That is their nature, that is their role. That is what they were taught from a very young age.”*<sup>60</sup>

Elders also stated that we must ensure that the stories of MMIWG are not lost.

### **Languages**

*“My language is my law and my life, it tells me how to get along with everyone and it tells me how to live.”*<sup>61</sup>

The Elders unanimously agreed that language programs are a necessary component of solving the issue as there is *“a direct relationship between language and identity.”*

*“We have our own laws and our own ways of raising children. But what do we do? We fall into CFS.”*<sup>62</sup>

*“How do we get out of this? By following the roles, laws and principles that our people lived with many years ago. We have to go back to our own systems.”* To do this, many Elders said *“we must revert back to our own languages, laws - our own way of life.”*

*“We may not revive the language over night but we must start and do something.”*<sup>63</sup>

*“Loss of language and our language is descriptive, it is like watching a movie, it is moving all the time; must go back to our language; how, it will be a long journey.”*<sup>64</sup>

### **Awareness**

Many elders stated that there needs to be more awareness raised about missing and murdered women, and the public needs to be engaged in searches and investigations.

### **Parenting programs**

One of the many repeated themes throughout the engagement was that of family breakdown as a result of colonial practices.

*“People are doing things, going out to ease the pain that they feel [...]. There is a domino effect that comes all the way own.”*<sup>65</sup>

The Elders recommended that parenting programs be taught and expanded upon to include traditional parenting teachings.

*“My understanding is that the child was always protected - child is in the middle, mother and grandmother, and then the men were on the outside because they were the protectors.”*

*Women need help to talk, so they raise their children in a good way, we need to teach them. We all have that wisdom given by our relatives, ancestors, they showed us the foundation of how we can raise good families; we are all aware of what happened but need to help families to strengthen them; we need to teach and include the principles of customary law when helping the families.*<sup>66</sup>

---

60 Elder Campbell

61 Elder Lathlin

62 Elder Lathlin

63 Elder Wayne Scott, March 16 2015

64 Elder Margaret Lavalley, March 16 2015

65 Elder Lathlin,

66 Elder Mary Maytwayashing, March 16 2015

## **Prevention**

More prevention and safety measures for youth are needed, and there is a need to bring awareness to schools.

## **Education and Cultural reconnection**

*“Our people are self-destructing ourselves.”*

As stated by Elder Dave Courchene Jr.,

*In our communities I ask the children who they are, not one can answer that as they are not taught in our institutions. I teach them who they are when they come here. I tell them to say I am Anishinaabe....I have found that we are not living and practicing that great law, we are struggling and fighting to be accepted by another people. I notice in this country is a lot of the youth people are becoming fed up.<sup>67</sup>*

One Elder said that in order “to get out of this problem” , Indigenous people must “ go back to our own systems.” He spoke of the importance of language: “my language is my law and it tells me how to get along with everyone and it tells me how to live.”

An Elder said, “men are sick because of the brain washing, loss of identity and language and [they need to be challenged to stand by the women].”

## **Addressing Racism**

One of the Elders said, “the one thing that people don't want to talk about is racism.” Another said, “legislation takes away our children through Bill C-31, it separates our families”

As indicated by another Elder, “everyone has their own little departments but we should be working together for the whole community.”

## **Poverty**

The connection between MMIWG, poverty and education were discussed.

*“Children are not learning because they are hungry.”*

## **From Youth**

### **Engaging Women and Men**

*“Our men need healing processes to deal with the anger.”*

Youth believe there needs to be more programs for young men so they can learn about their role in preventing violence against women- “there must be opportunities for men to come together to acknowledge their role in preventing violence against women.”

In reaching out to women, a campaign portraying strong women and girls is recommended.

## **Cultural Celebration**

---

<sup>67</sup> Treaty Focus Group.

There must be opportunities for Indigenous people to celebrate their identity and culture. Opportunities to learn Indigenous languages should be part of this.

Youth recommended use of a poster campaign embodying the values in the seven teachings (respect, love, truth, honesty, wisdom, humility, and courage).

### **More 24/7 Safe Spaces**

*“Having a space where people can just hang out really matters.”*<sup>68</sup>

Many of the youth echoed the desire for more 24 hour safe spaces. They also linked this with the lack of resources for youth in care who are over the age of 18 years old. Youth suggested that more 1-800 numbers for tips and supports should be made available in all areas of Manitoba, including in remote First Nations.

A relationship-based strategy to all the work is important. It was suggested that, if community centres were treated as community spaces that were networked with other service providers and schools there could be 24 hour spaces for childcare.<sup>69</sup>

### **Supports for Addictions**

Youth recommended that addiction supports be in place for those requiring assistance.

### **Cultural reconnection**

Youth said that we should focus on “breaking stereotypes while promoting cultural integrity.” It was explained that language programming is an essential part of this.

### **Social Media**

Youth indicated that social media has an important role and can be used both positively and negatively. On the one hand, youth indicated we should be using social media to look for solutions. On the other hand, youth warned about the negative impact of social media on the self-esteem of young Indigenous girls and boys.

### **Links between systems**

Many of the youth spoke about the mistrust of the police. Others talked about the direct link between what is happening to Indigenous women and girls and the justice system : *“how can First Nation men protect our women when they are locked up?”*

They also spoke about the link between MMIWG and the child and family services system. Youth said that we should encourage more family visitations for kids in care and *“ensure constant family involvement even when in care to avoid runaways.”*

### **From the MMIWG Coalition**

The Families First team interviewed key individuals from service provider organizations in Winnipeg. Although certain common themes can be discerned, it is important to recognize that each organization has a unique role in delivering services.<sup>70</sup>

---

68 Sjoberg

69 Sjoberg

70 Interviews were conducted with: Trudy Lavallee, Executive Director of Ikwe Widdjiitiwin; Leslie Spillett, Executive Director of Ka Ni Kanichihk; Nikketa Campbell, Program Manager at Wahbung Abinoonjiiag, Inc.; Kate Kehler, Executive

## Remembering and Honouring

Coalition members stated that it is important to remember the stories of missing and murdered Indigenous women so that future generations know what happened. As one member stated, “whoever writes the history, writes in their bias, so, we need to write our own history.”

Honouring the families is key. Coalition members stated that it is important to “acknowledge these deaths [...] it's about valuing every person in the community and the struggles they have had.”<sup>71</sup> It is necessary to make the stories publicly available no matter how tragic they are in order to give strength to the families of MMIWG.

Families need more supports to continue honouring their loved ones in a variety of ways, including vigils and feasts. Vigils have allowed people to show the city that the lives of oftentimes “invisible” people matter.

## Prevention and Safety

*“The most important thing is protecting women now. Making sure that no more women go missing or are murdered.”<sup>72</sup>*

Some coalition members indicated that prevention work is happening with youth, including mentorship and violence prevention programs, as well as community safety audits, and looking at communities through a crime prevention lens. In some areas of the city, residents are trained to identify areas of low lighting, or broken fences. Community safety committees, made of residents, have been created to address concerns and identify local solutions to community problems. According to Coalition members, it must be recognized that much more work in terms of community safety and prevention is needed.

A potential root cause of violence against Indigenous women was identified as racism, but the vulnerability of Indigenous women was also raised as a concern. There must be conversations with young women about dangerous predators, and safety information should be relayed in a number of forms. Coalition members indicated that the focus needs to be on identifying methods of reducing the likelihood of terrible tragedies happening to someone else.<sup>73</sup>

*“Because it's not just support for the MMIWG. We want to stop it. Not just perpetuate it forever and support the families. No. We don't want this to happen.”<sup>74</sup>*

There is also a need for more supports for women and young people when they come to Winnipeg from reserves or from the North.

*“Again, it's a known fact, many of these families are ill-prepared to survive in an urban environment. Reserve life is way different than city life.”<sup>75</sup>*

Coalition members indicated that Indigenous women are facing issues such as: poverty, lack of programming, and a lack of interventions at the street level.<sup>76</sup> Women moving from communities in Northern Manitoba to Winnipeg are very vulnerable as many aspects of daily living are foreign. When

---

Director of the Social Planning Council of Winnipeg; Kate Sjoberg of the North Point Douglas Women's Shelter; Mary Scott, Co-Chair of the Institute for International Women's Rights; Jamil Mahmood of the Spence Neighbourhood Association; Damon Johnston of the Aboriginal Council of Winnipeg; Dianna Bussey, Director of the Salvation Army Correctional and Justice Services; and Elder Thelma Morrisseau.

71 Sjoberg

72 Mahmood

73 Bussey

74 Scott

75 Johnston

76 Johnston



informal support networks are not in place, women from the North can easily end up on the streets as there are very few programs available to assist them. Younger Indigenous women may be particularly vulnerable as they might lack the “street sense” or understanding of the dangers when they get to the city, and may get preyed upon and put in unsafe situations.<sup>77</sup> One coalition member drew the comparison between new immigrant services and those available to Indigenous people, and concluded that there were far fewer programs available to individuals transitioning from Northern Manitoba to Winnipeg.<sup>78</sup>

It was suggested that “with today's technology we could set up a system so when families are moving from First Nations to the city, we could be alerted. So organizations set up to support these individuals and families could meet them, and could immediately provide supports.”<sup>79</sup>

Another coalition member indicated that there should be a temporary intake referral system with a phone line and volunteers to act as a starting point for people to access services, including shelters and crisis prevention phone lines. The same coalition member also indicated that a cell phone application is being developed, designed for women in crisis, which would include information about local resources, food, emergency housing, supports, news, safety plans. This application could be personalized with information about shelters and safety services, or police and crisis phone numbers.<sup>80</sup>

*“We have to do whatever it takes to get people off the streets. To prevent this from happening.”*<sup>81</sup>

### **More Gentle and Quicker Responses Needed to Missing Persons Report**

Coalition members stated that police must respond to the reports of missing women and girls in a manner which is “gentle and quick” .

It was argued that there should be more efficient and quicker ways to distribute missing person notices. In the fall of 2014, a number of organizations in Winnipeg created a network for distributing all city police missing persons notices via their newsletters, Facebook, and other methods. This is helpful and can be reproduced elsewhere. Some coalition members suggested the institution of an Amber Alert as soon as an Indigenous woman or girl goes missing. Others suggested a television channel and billboards with information on missing women and girls.

There is also a need to make a community response plan alongside police. There are MMIWG tool-kits for families which need to be distributed and accessed widely, including in the North.

### **Policing and Justice**

*“We still see incredible racism from the police force, and an inability to acknowledge those problems.”*<sup>82</sup>

Coalition members indicated that it is important that police take decolonization training - training that is anti-oppression, anti-racist, and focuses on how to be an ally. One coalition member stated that “their minds have to be changed as to how they see an Aboriginal person.”<sup>83</sup>

There also must be relationship-building between Indigenous people and police, and an increase in the number of Indigenous civilians working for police services. There should be more accountability within the police system, and there is a need to hire more Indigenous police members.<sup>84</sup> Coalition members also identified that police, as well as front-line support workers, need to be trauma-informed, and should use

---

77 Mahmood

78 Spillett

79 Johnston

80 Campbell

81 Mahmood

82 Sjoberg

83 Elder Campbell

84 Spillet

trauma-informed practices when working with families. Relationships with police and organizations that work with families and vulnerable women must be built as the organizations could then act as a liaison and help police understand families' needs while remembering that certain families may want direct communication with investigators.

*“Real [cultural awareness] training must take place and it must be repeated.”*<sup>85</sup>

### **Links between MMIWG and Different 'Systems'**

*“Aboriginal people are overrepresented in gangs, (the) justice system and child welfare. We need to deconstruct historical forces.”*

When thinking about concrete actions, it is important to have a comprehensive action plan which looks at the links between systems.<sup>86</sup> The Coalition discussed how two departments that engage Indigenous people: child welfare and the justice system, need systemic change. Multiple coalition members pointed to the need to have more Indigenous people working in these areas.<sup>87</sup>

*“This is not an isolated issue. It is a complicated, inter-related series of issues. They all are important and all have to be addressed.”*<sup>88</sup>

The coalition indicated that the child welfare system needs to focus on supporting families, rather than apprehending children, as the current system operates “from a crisis approach with minimal to no prevention services.”<sup>89</sup> There is also an issue with children and youth “ageing out” of Child and Family Services (CFS), with a lack of transition programming available. The coalition found that, although there are lists of children involved with CFS who are turning eighteen, many have little to no resources available to them, and often end up involved with the justice system.

*“The child welfare system as well as the justice system is a huge industry... built on the backs of Indigenous people across Canada. The dollars spent to keep children in care would be better spent supporting families with prevention programs.”*<sup>90</sup>

Coalition members indicated that in the justice system as well there needs to be a shift toward restorative justice practices, rather than incarceration. A lot of money is spent on incarceration that can be reallocated to a type of justice that works better. The vast majority of women in the Remand Centre are Indigenous and the women's jail is full to capacity.<sup>91</sup> One coalition member stated that “studies have shown that as many as 44% of the MMIWG had a criminal history. If we had a more robust restorative justice program in Manitoba some of the issues may have been able to have been dealt with differently and more effectively.”<sup>92</sup>

Residential schools, child welfare and murdered and missing women and girls are all tied together. Many of the children in and out of child welfare and the justice system move on to adult corrections. The pattern is clear to see. We have generations of adults in the correctional facilities across Canada who were once child welfare children and likely had family who attended residential school. Children, youth and adults have become institutionalized.<sup>93</sup>

### **Links between MMIWG and Residential Schools**

---

85 Spillett

86 Spillett

87 Spillett and Sjoberg

88 Scott

89 Morrisseau

90 Morrisseau

91 Lavallee

92 Kehler

93 Morrisseau

Many coalition members indicated that there is a direct link between the lasting, inter-generational legacy of residential schools and the systemic issues which have led to the current MMIWG crisis. Many people are not aware of the history of their own families as they relate to residential schools, and are “seeing impacts, but have not made those links.”<sup>94</sup> Much of the “trauma, degradation and abuses”<sup>95</sup> residential school survivors experienced has not been properly dealt with, although the recently completed work of the Truth and Reconciliation Commission has made great strides to this effect. Many of the children “never experienced appropriate nurturing, love, care, respect, (or) a sense of value, and they had absolutely no voice.”<sup>96</sup> That began a cycle which often continues today.

“Those children grew up to be angry, sad and disconnected people striking out at the world and anyone and everyone in it. Unfortunately, the anger and violence is often mixed with addictions, isolation, being poor and without adequate education.”<sup>97</sup>

The impacts of the residential schools were also felt by those that did not attend. One coalition member spoke of the racism inherent in the residential school system as a “black cloud” that came into communities, touched all people and told them that “if you were Indian, you were worthless.”<sup>98</sup>

### **Raising Awareness**

*“It’s my belief that our greatest enemy is ignorance. Not truly knowing each other. Not truly working with each other. As long as we stay apart, and we build up barriers and put up walls, how can anything change?”<sup>99</sup>*

One of the things most frequently mentioned by the coalition was the need to ensure that more people are aware of the issue of MMIWG. It was recognized that the “We Care” campaign was successful, and using the Families First Foundation as a communication vehicle to get the word out will lead to increased awareness.<sup>100</sup> The coalition indicated that “the momentum has to include the non-indigenous voice”<sup>101</sup> as well, as “with reconciliation, you have to come together.”<sup>102</sup>

*“The human race is hungry for the truth of who we really are as human beings. I believe that the Aboriginal way of life has become of great interest to many non-Aboriginals. Especially women. I sit and talk about our way of life and way of being and they say “that is so beautiful. I want to learn that way.”<sup>103</sup>*

The representative from one organization indicated that, as a non-First Nation organization they “have strengths and weaknesses,” and also stated that “some people ask why we are involving ourselves.” That coalition member explained that “this is not a First Nation issue, it’s a Canadian issue.”<sup>104</sup>

*“I think we all have a responsibility to educate one another, and to teach our children about acceptance of people and other cultures. Every culture has something to contribute. People have value.”<sup>105</sup>*

It was also noted that raising awareness of MMIWG includes raising awareness of the systemic and historical issues that have enabled these tragedies to reach current levels. The inter-relatedness of the past, present and future must be recognized and acknowledged.

---

94 Sjoberg

95 Morrisseau

96 Morrisseau

97 Morrisseau

98 Elder Campbell

99 Johnston

100 Scott

101 Scott

102 Scott

103 Elder Campbell

104 Kehler

105 Morrisseau

*“The true history of this country has to be taught in the schools. The general public needs to learn the story of residential schools and understand that seven generations have gone through the residential schools. The result of this has been genocide for the First People of Turtle Island. Today, we continue to witness the disparity and isolation for many survivors and their children and grandchildren.”*<sup>106</sup>

## **Addressing Racism and the Media**

*“There is a big issue with devaluing of Aboriginal women.”*

It is important to face the ongoing problem of racism in Manitoba. One coalition member explained that what is happening today is the “end result of the process of colonization.”<sup>107</sup> Another coalition member indicated that “to prevent women from being one of the missing or murdered, everyone needs to undergo decolonization training and anti-racism.”<sup>108</sup>

Media must be challenged when they say racist things or get the facts wrong. The coalition recommended that there be a Media Protocol or Charter created on how to talk about MMIWG and how to speak with families to avoid re-traumatization. A member of the coalition also noted that the media “swarms” over anything related to MMIWG, but does not include concrete stories reflecting the families' perspectives and experiences.<sup>109</sup>

*Unfortunately media has a tendency to label many of the women as “prostitutes, working girls” who lived “risky lifestyles.” This is like saying; well if they did not live a risky life style, they wouldn't go missing or (get) murdered!! This is simply racism against people who are often marginalized, poor and suffer from historical trauma.*<sup>110</sup>

One coalition member suggested that visual media should be used by family members to record testimonials and to share their footage to allow people to get their stories out. Immediate actions should be solution-focused with communication strategies, while perhaps using the internet to allow people to see immediate results.<sup>111</sup>

*“The more (the non-Indigenous community) can be exposed to Indigenous culture, and beauty, they come away with respect. Some of this racial stereotyping can change.”*<sup>112</sup>

## **Community Forums**

Coalition members identified a need for more forums in communities, that meet on a more regular basis, to enable people to talk to each other, and share their vision for their communities.

One coalition member stated that the entire community should be brought forth to engage opportunities to network, and that universal inclusiveness should be the goal. People from various backgrounds, both corporate and community-based, from political and religious organizations, should join in one accord.<sup>113</sup>

## **More 24/7 Safe Space**

*“Having a space where people can just hang out really matters.”*<sup>114</sup>

---

106 Morrisseau

107 Spillett

108 Sjoberg

109 Campbell

110 Morrisseau

111 Campbell

112 Scott

113 Campbell

114 Sjoberg

There is a pressing need for more 24/7 safe spaces for vulnerable youth and women. A relationship-based strategy is important: youth want to be somewhere where they know and trust the staff. It was suggested that, if community centres were treated as community spaces that were networked with other service providers and schools there could be 24 hour spaces for childcare.<sup>115</sup>

A Coalition member explained that if they are not in safe houses, these youth will be either on streets or trafficked, or “the kids in hotel rooms.” Another coalition member indicated that “many fall through the cracks in terms of not meeting the criteria for shelters... they are living risky lifestyles and are often subject to trafficking, prostitution, drugs and alcohol and homelessness.” The same coalition member indicated that “there is no safe program where they can live with ongoing supports.”<sup>116</sup>

Some organizations are currently working on 24 hour safe space initiatives, which is “necessary, as people are disappearing from our streets.”<sup>117</sup> It is recognized that this is not a long term solution, but creating spaces where women are not “left to be preyed on”<sup>118</sup> is key, and “the fact that they’re eating and sleeping, and can get off being on guard for 6 hours is success.”<sup>119</sup>

### **Access to Supports to Empower Indigenous Women**

*“We have a lot of confusion in our women today about their identity.”*<sup>120</sup>

A coalition member indicated that “the vulnerability of Aboriginal women is a sociological phenomenon,” and more support programs need to be in place that empower Aboriginal women.<sup>121</sup>

*“How do we stop all this abuse? It's by teaching the women how sacred the women are. They are empowered. They will never allow anyone to abuse them in any shape or manner. No woman deserves that.”*<sup>122</sup>

One organization that marked Domestic Violence month with marches found it important to make a space for people to say “I’m against domestic violence.” A representative of that organization indicated that she was “reminded how powerful it is for people to stand up and say it publicly. With people cheering people on.” That coalition member indicated that clear leaders emerged, and shared an example of a woman that regularly had bruises telling people that she didn’t actually fall down the stairs. These activities create a conversation where people may be able to learn something.<sup>123</sup>

*“What I say to them is that where you're at now is not who you really are. You are not that person being judged because of your addictions, or that abuse, or sexual exploitation. That is not who you are. Inside of you, you are a sacred person with a beautiful spirit. The outside world will forget who you are through judgement and criticism. You have to recognize that all of that is lies, and you have to find that truth. And the truth is, you are sacred.”*<sup>124</sup>

A member of the coalition noted that the only way Indigenous women can change is to be given opportunities to come to a place where they can get all the teachings of their grandmothers. To be able to spend time finding out who they are. To go through the ceremonies, to see themselves in the mirror and to be able to say “I am a strong Aboriginal woman. I know who I am. I respect who I am and my body is sacred. I will never allow anyone to hurt me because I don’t deserve that.”<sup>125</sup>

---

115 Sjoberg

116 Lavallee

117 Mahmood

118 Mahmood

119 Bussey

120 Elder Campbell

121 Lavallee

122 Elder Campbell

123 Sjoberg

124 Elder Campbell

125 Elder Campbell

*“We need opportunities for our women to believe in who they are, and to believe that they have the power to be a beautiful, kind, gentle, caring mother, as they were birthed with, but which was removed from colonization and residential schools.”*<sup>126</sup>

According to some members of the coalition, historically the women held the majority of the power in the communities and nations, and men looked to the grandmothers for advice.<sup>127</sup> This system was stripped from Indigenous communities through colonization and the residential school systems. Speakers pointed out that it is important to recognize that “women and men have different realities.”<sup>128</sup>

### **Including Men in the Healing Process**

*“Our men need healing processes to deal with the anger.”*<sup>129</sup>

Coalition members indicated that men in the Indigenous community should be utilized more to provide leadership. It was suggested that a sub-committee of Indigenous men and leaders should assume the role of speaking “to Indigenous men that are beating up on women.”<sup>130</sup> The coalition indicated that men have to “make a stronger effort into starting groups of some kind where men can stand up and say to their brothers “stop raping women! Stop selling our children! This is not being human.”<sup>131</sup>

A coalition member stated that data indicates that up to 70% of the violence directed against Indigenous women and girls is perpetrated by male members of the Indigenous community.<sup>132</sup> That member also stated that:

*“We would be irresponsible if we were not encouraging governments to provide funding for these kinds of (healing) programs... Blaming gets us nowhere. We need to address fact, and we need to address the issues that are known to us, relative to the MMIWG. Otherwise nothing's going to change.”*<sup>133</sup>

The coalition found that healing programs, as well as education and training programs for Indigenous men are few, and thus the coalition found that “men are completely unsupported.”<sup>134</sup> It was stressed that the family dynamic can change dramatically when the father is employed, which may reduce occurrences of domestic violence.<sup>135</sup>

*“Our men also are suffering. The men also need teachings as to their identity. In our culture the men are the warriors. The ones who provide and protect women and children. That is their nature, that is their role. That is what they were taught from a very young age.”*<sup>136</sup>

### **Healing and Cultural Reconnection**

*“We would not be having this same conversation about MMIWG if Indigenous people still had their ceremonies, teachings and songs.”*<sup>137</sup>

As discussed, there has been a lot of trauma experienced by Indigenous people, and many unresolved issues. Addictions were described as rampant, along with the prevalence of missing and murdered

---

126 Elder Campbell

127 Elder Campbell

128 Lavallee

129 Johnston

130 Scott

131 Elder Campbell

132 Johnston – citing the RCMP report

133 Johnston

134 Sjoberg

135 Sjoberg

136 Elder Campbell

137 Morrisseau

Indigenous women and girls. According to the coalition, both women and men have suffered a loss of cultural roles, the result of which has been that women have been left vulnerable and under-supported, while men have been left angry and unsupported.

*“The big thing missing is healing... Healing is happening, but it is under-invested. Addictions, mental health, trauma. There’s not like... Before you can get any good work done with people, you have to heal.”*<sup>138</sup>

The coalition made it clear that the “western ways” of healing are not adequate to address the issues facing the Indigenous community, and that Indigenous methods of healing should be utilized. This healing would take time.

*“No nation can heal overnight. How long does it take the human spirit to heal?”*<sup>139</sup>

Wait times for addiction treatment were identified as a major issue, as was the fact that treatment programs are mostly only available in urban centres. It was pointed out that people that are seeking treatment for their addictions are at their most vulnerable, and the current system does not adequately address this issue.

*“These are the holes. At the end of the day, when someone is trusting someone enough to reach out, and then there are these barriers. They have to really want to change.”*<sup>140</sup>

A coalition member indicated that perhaps we should be exploring the idea of mandating supports for Indigenous women and girls,<sup>141</sup> while another explained that there is a need for Indigenous people to reconnect to their culture. As part of this important cultural shift, that same coalition member believes that Manitoba should encourage and support Indigenous led school systems.<sup>142</sup> Another coalition member explained that “people are thirsty for an understanding of their own heritage.”<sup>143</sup> Much of the necessary healing should occur through cultural reconnection.

*“It is time for indigenous people to retrace the footprints of the ancestors and pick up the sacred bundles; revive and speak our languages; sing our sacred songs; revive the ceremonies and teachings that long sustained the people prior to contact with the Settler people. Women were honoured and respected for they are the life carriers. The connection to the earth and water was always there. The earth is our mother and as she brings forth life so do women.”*<sup>144</sup>

Many coalition members felt very strongly about the necessity of ceremonies, such as naming ceremonies, berry fasts, and moon ceremonies as it “provides grounding.”<sup>145</sup> It was indicated that the “grandmother's role was to teach the women through ceremony and teachings about who they really are” and that ceremonies which focus on women “bring her into a place of power, and to know her role in the community.”<sup>146</sup>

*“Our way is to see the spirit of woman. It's about her heart, spirit, wisdom she carries that and she will give it to her children. Spirituality and connection to earth mother, grandmother moon and the connection to time.”*<sup>147</sup>

Western methods of parenting and education were also identified as being inadequate for addressing the

---

138 Mahmood

139 Elder Campbell

140 Bussey

141 Lavallee

142 Spillett

143 Sjoberg

144 Morrisseau

145 Morrisseau

146 Elder Campbell

147 Elder Campbell

needs of Indigenous people. When speaking about parenting programs one coalition member asked “Do you not think we had our own way? Do you really think we didn’t have beautiful ways of raising our children?”<sup>148</sup>

The coalition identified that much of the major issues surrounding MMIWG can be traced to cultural disconnection. Some of this can be addressed by creating space for Indigenous people to reconnect with the culture they have lost.

*“If you're an Indigenous person, no matter what darkness is inside of you, there's a spirit. There are times you might not recognize that because your mind is in a dark place, but inside you're still sacred no matter what.”*<sup>149</sup>

### **Coordinating existing supports and barriers to providing Additional Services**

One coalition member stated that she would “like to see more collaboration between partners that involves solutions-focused strategies to overcome barriers.”<sup>150</sup> That same coalition member indicated that she would “like to see universal activities that encourage all participants to join together in grassroots movements, (that are) not strictly culturally based, but also recognize all beliefs, and allow families to feel welcome.”

All coalition members indicated that they would like to provide more services, but all of them voiced similar concerns with respect to barriers their organizations face, such as a lack of funding. Members also indicated that they already have experienced staff, but face barriers of funding and capital requirements.<sup>151</sup> One coalition member indicated, with respect to capacity and having a small complement of staff, that their organization needs “to work where (they) think (they) are being the most effective.”<sup>152</sup> Another coalition member stated that “there is a lot of crisis that happens, and we’re trying to figure out how to respond to community crisis with some consistency, without drawing resources away from (other parts of) the organization.”<sup>153</sup>

One coalition member stated that she would “like to see more collaboration between partners that involves solutions-focused strategies to overcome barriers.”<sup>154</sup> It was indicated that, given the lack of government support for grassroots initiatives, partnerships are needed to discuss ways of overcoming barriers. That same coalition member indicated that she would “like to see universal activities that encourage all participants to join together in grassroots movements, (that are) not strictly culturally based, but also recognize all beliefs, and allow families to feel welcome.” It was stressed that engaging the issue of MMIWG should be universal, not political.

Another major barrier to the issue of MMIWG was identified as the current federal government. It was pointed out that “there is no desire to look at the issue of missing and murdered women and girls, (as) the government has stated the matter is a criminal matter and not a social issue.”<sup>155</sup>

There are also barriers in engaging in awareness campaigns. According to one coalition member, recent changes to municipal by-laws in Winnipeg have resulted in difficulties with organizing walks along roadways. A group must now be partnered with an organization that has existing liability insurance, that will off-set the costs associated with any promotional event. This increases the time involved in organizing a walk, and weakens the immediacy of the action, which is one of the goals of “taking to the streets.”<sup>156</sup>

---

148 Elder Campbell

149 Elder Campbell

150 Campbell

151 Lavallee

152 Kehler

153 Sjoberg

154 Campbell

155 Morrisseau

156 Campbell



## Our Recommendations on Answering the Call to Action

The following recommendations are based on what we heard from the families of MMIWG, Elders, Youth and the MMIWG Coalition as well as existing recommendations.

1. Supports:
  - More supports should be made available to the families of MMIWG, including 24/7 culturally and spiritually diverse grievance counselling, child minding and addiction services.
  - Steps should be taken to ensure that information and supports are coordinated so families and the community at large are fully aware of the range of services available.
  - Financial supports should be made available to families for funeral costs, cost of child minding, caring for the children of MMIWG
  - Additional 24 hour safe spaces must be provided throughout Manitoba.
  - More supports and research is needed for people transitioning from rural and remote communities to urban centres such as Winnipeg.
  - Programs and social services should be created by and with Indigenous peoples that promote safe communities and healthy individuals, including culturally appropriate education, youth programming, counselling, violence and drug addiction recovery.
  - Conferences or workshops should be held on healing for both men, women, two-spirit and children in Southern and Northern Manitoba.
  - Regular and inclusive community forums should be held for community members to discuss community safety plans and share visions about safe communities.
2. Honouring Loved Ones
  - Measures should be taken to ensure the memory of loved ones are respected and honoured. This includes making funding available for gathering stories, annual feasts, walks, vigils and memorials.
  - Processes of honouring, healing and remembering should include ceremonies where appropriate.
3. Responses to Missing Persons Report
  - Missing persons notices should be distributed immediately for instance through social media and other methods.
  - Community response plans should be developed to assist families with searches throughout Manitoba.
  - The existing MMIWG tool kit should be updated and expanded upon to include additional information for areas outside of Winnipeg.
4. Cultural Reconnection
  - There should be more opportunities for Indigenous people to learn about their culture and healthy relationships.
  - Parenting programs should be taught and expanded upon to include traditional teachings.
  - Indigenous language programs should be created and made available throughout Manitoba.
5. Media:
  - The relationship between families of MMIWG and the media must be improved. The media should engage with families and assist them in a gently way to tell their stories and dismantle stereotypes.
  - Cultural sensitivity background information sheets should be created for the media to assist the families.

6. Interconnected Systems - Policing, Justice and CFS agencies
  - The accountability and effectiveness of the child welfare system should be improved with direct involvement of Indigenous people.
  - The inter-generational effects of racism and assimilation efforts should be acknowledged by all levels of governments.
  - Governments should recognize Indigenous teachings about families and children and make space for these teachings within the policies and frameworks of justice and CFS systems.
  - The issue of institutional apathy and racism should be addressed through additional cultural sensitivity and anti-racism training.
  - There should be better and more frequent information sharing and communication between families and different agencies (i.e. policing and CFS).
  - Improvements should be made in responsiveness, accountability and investigations of policing agencies.
  - Designated contact persons with grief training should be made available within the policing agencies to families on a 24/7 basis.
  - Older, unsolved investigations should be reopened.
  
7. Training, Employment & Housing
  - Training should be offered to family and community members who want to support others in their healing journeys.
  - Measures should be put in place so that Indigenous people have access to adequate housing and employment, particularly in Northern and remote communities.
  
8. Public Awareness & Education
  - A variety of public awareness campaigns should be created to: raise awareness on MMIWG, teach youth about safety measures, educate the public at large on root causes of the issue and dismantle stereotypes. These campaigns should be made available through a variety of methods.

### Part III: Guidelines for a Framework

“Dialogue is the foundation of repair.”<sup>157</sup>

---

<sup>157</sup> Abbie Sachs, *The Strange Alchemy of Life and Law*. (Oxford: Oxford University Press, 2009) at 84.

## A comment on existing processes

In addition to acknowledging the existing research and initiatives on MMIWG, it is important to examine existing models to evaluate their strengths and weaknesses and analyze how each of them may relate to Families First. A total of ten inquiries, four Commissions, three roundtables, two advisory panels and one inquest were reviewed in detail to prepare for this section.<sup>158</sup>

Additional background information on existing processes can be found at Appendix F and a summary of selected processes can be found at Appendix E.

### Commissions

A Commission is usually made up of a panel of individuals who examine a particular issue. A Truth and Reconciliation Commission can be tasked with discovering and revealing past wrongdoings by a government (or maybe non-governmental bodies) in the hope of resolving conflict left over from the past. Most recently, the Truth and Reconciliation Commission of Canada released its Report relating to the events of the Indian Residential Schools (IRS) in Canada, including first-hand accounts from survivors, families, communities and others personally affected by the IRS experience.

Commissions are typically more informal and inclusive than inquiries. They can help to eliminate denial and reduce the need for legal representation as they bring together knowledge holders and stakeholders in a less adversarial manner. Commissions may offer more control on outcomes and processes and can examine systemic and individual considerations.

The success of a particular Commission is highly dependent upon its resources and its statutory mandate and authority. As compared to roundtables, it may be harder to enforce recommendations from Commissions unless stakeholders are committed to a successful outcome.

### Inquiries

An inquiry is an investigation conducted at the provincial, territorial or federal level into a matter of public concern.<sup>159</sup> It is generally established by Order in Council passed by either provincial, territorial or federal legislation which puts the limits on what an inquiry can and cannot do. Commissioners tend to be either sitting or retired judges. Commissioners have the power to compel witnesses to testify to produce documents. Overall, there are two types of inquiries: factual or case inquiries<sup>160</sup> and public policy focused

<sup>158</sup> These include: Commission of Inquiry Into Matters Relating to the Death of Neil Stonechild; Report of the Royal Commission on Aboriginal Peoples; Report of the Aboriginal Justice Inquiry of Manitoba; Aboriginal Justice Implementation Commission Final Report; Truth and Reconciliation Commission; Kelowna Accord; Royal Commission on Bilingualism and BiCulturalism; Report of the Commission of Inquiry Into Certain Aspects of the Trial and Conviction of James Driskell; Northern Frontier Northern Homeland (Mackenzie Valley Pipeline Inquiry Report) aka Berger Inquiry Report; Independent Panel on Canada's Future Role in Afghanistan; Final Report – Building a Sustainable Future: The Legacy of Canada's National Roundtable on the Environment and the Economy; Manitoba Roundtable for Sustainable Development; Ipperwash Inquiry Report; Building on Values; The Future of HealthCare in Canada (Royal Commission on the Future of Health Care Report); Somalia Commission of Inquiry; Forsaken: The Report of the Missing Women Commission of Inquiry; The Legacy of Phoenix Sinclair Achieving the Best for All Our Children (Report of the Phoenix Sinclair Inquiry); Canada's Action Plan on Open Government 2011; Inquest Touching the Death of Ashley Smith: Jury Verdict and Recommendations.

<sup>159</sup> In Manitoba, inquiries are created by *The Manitoba Evidence Act*. Their mandate is to examine any matter within the jurisdiction of the Legislature connected with or affecting: good government of the province, the administration of justice or any matter that is of sufficient public importance to justify an inquiry. A recent example of a Manitoban inquiry is the Phoenix Sinclair inquiry which looked at the death of Phoenix Sinclair and the surrounding circumstances. Federal inquiries are under the *Inquiries Act*. Federal inquiries examine any matter connected with the good government of Canada or the conduct of any part of the public business. The Royal Commission on Aboriginal Peoples established in 1991 is an example of a federal inquiry.

<sup>160</sup> Factual inquiries aim to examine and report on specific incidents or series of events and intend to provide an independent, comprehensive and transparent account of what happened and why. These are primarily looking at the past

inquiries. Some inquiries combine both models such as the Aboriginal Justice Inquiry.<sup>161</sup>

As compared to an inquest, inquiries are less restricted to specific factors and more able to look at broader public policy issues.<sup>162</sup> Once, the hearings are completed, the Commissioner(s) prepare(s) a report which is submitted to the government who called for the inquiry. The final report contains recommendations to the Government in accordance with the Terms of Reference. The Government decides the course of action it will take in response to the recommendations. Many inquiries have resulted in recommendations for action, which have been accepted and implemented, and have served a valuable purpose.

Inquiries can be conducted in many ways, but “public” inquiries must be conducted in public. This is a positive aspect in terms of transparency. The public nature of an inquiry may also influence the ability for all stakeholders to be involved in some capacity. However, there are instances where it is deemed necessary to hold portions of an inquiry in private where public examination of the evidence may compromise a police investigation or where families do not want to be part of a public process. These efforts are often met by media demands for public disclosure.

Inquiries have been criticized by those who argue that the money spend might be better used on programs and immediate actions. Others have suggested that the adversarial nature of the inquiry process is not well suited to a solutions based discussion. A restrictive scope also may impair the effectiveness of inquiries. Compelling stakeholders to participate in an inquiry may make them defensive and can delay or hamper solutions. Inquiries may also be seen as too formalistic and as sometimes excluding the directly affected individual or groups from meaningful engagement.

## Roundtables

Roundtables can take many forms. In general, they are established to bring together a group of people or a team to have in depth discussions on an issue, share opinions, strategies or tactics, or to “brainstorm” . Roundtables are consent based and require the 'buy in' of the participants. This can foster better relationships between the various knowledge holders and stakeholders. Roundtables can serve to provide advice and guidance to government on a particular issue. Roundtables enable people to discuss issues and identify opportunities for improvement.

Roundtables often begin with discussions between a larger group of people. Once there is consensus on the issues, smaller groups gather to discuss solutions. Once consensus exists in the smaller groups, the larger group will meet to discuss the final report and recommendations. There are also more permanent roundtables, for instance the National Roundtable on Heritage Education.<sup>163</sup>

Government roundtables are sanctioned by the government. It is expected that the solutions presented will be acted upon by government. The roundtable process rarely involves a factual analysis of the past incidents or events. Rather, the focus is on moving forward and finding workable solutions. The facts are already agreed upon and are the basis for initiating the discussion. The roundtable process can allow different groups to discuss and be involved in an issue, and provide a mechanism for bringing those groups together. The emphasis on moving forward can be seen as an advantage of the roundtable process.

Roundtables may be of less value for those seeking to create a historical record or to remember an injustice that has taken place. A critical challenge for roundtables is inclusiveness particularly given their focus on “expert opinions” . Another challenge may emerge if certain participants are not truly committed to solution based discussions.

---

and are generally more narrow focused. Public policy inquiries arise out of a tragedy or controversy with a view to seeing that contributing factors are fully assessed and systemic recommendations are identified.

161 The Aboriginal Justice Inquiry looked at the circumstances surrounding the JJ Harper case and murder of Helen Betty Osborne. It also looked at the relationship between Aboriginal people and the justice system.

162 For more details on inquests, please see appendix F.

163 This Roundtable was established in 2004 “as a forum for discussion on heritage conservation education and training in Canada”.

## Advisory panels

Advisory panels are established by governments and often consist of a panel of “experts” from academia, civil society, business and independent consultants who research and discuss a particular issue. They are meant to provide advice and guidance to federal and provincial governments on a particular issue for a limited amount of time. Canada's Action Plan on Open Government (2011) is an example.<sup>164</sup>

Advisory panels have the potential to be broader in scope and include systemic and individual considerations. They also can foster the creation of various actions and cooperation between government departments.<sup>165</sup> On the other hand, they can be politicized and focus on “expert opinions” rather than on the grassroots and affected knowledge holders and stakeholders.

## Lessons Learned

### Overview

Based on our review of the above processes, we have compiled the following 'lessons learned' which allows for a hybrid approach that picks from a number of models. Our lessons learned are guided by what we heard and built upon existing research, including the B.C. Civil Liberties Association Report “Blueprint for Inquiry: Learning From the Failures of the Missing Women Commission of Inquiry” (2012).

Overall, we believe an effective process must involve

- early and ongoing meaningful engagement of all affected individuals and knowledge holders at every stage.
- clear Terms of References which have a broad enough scope to include systemic issues
- strong courageous leaders who are not afraid of advocating for the implementation of their recommendations
- flexibility in rules of evidence to ensure inclusion of meaningful evidence and involvement of proper spiritual and religious protocols
- must clearly set out the issue(s) it is aiming to address
- openness to a variety of methods for gathering evidence and different 'streams of actions'
- broad standing rules to include individuals and groups affected by the issue
- adequate secure funding for process and implementation
- a variety of accessible supports
- expectations must be meaningful and reasonable - not to be set too high as to disappoint
- consensus building
- clear implementation process

### 1- Initiating the process

The manner in which the process is initiated will influence the process. Ensuring that those affected are directly involved prior to or as soon as the process is initiated is key in creating a successful process. Early meaningful engagement can promote 'buy in' and collaboration.

---

<sup>164</sup> The mandate of Canada's Action Plan on Open Government (2011) was to provide the Federal Government with advice and guidance on Open Government Activities. It was chaired by the Honourable Tony Clement and its final report included two foundational commitments, three activity streams to implement commitments with those streams, and 12 commitments in Action Plan.

<sup>165</sup> As an example see the Panel on Open Government, online: <<http://open.canada.ca/en/advisory-panel-open-government>>.

## 2- Establishing the Scope and Terms of Reference

Terms of references set the direction and objective of the Process. They should consider:

- the scope of the process
- the decision maker and their legal authorities (whether it may be an individual, commission or panel)
- the rules of evidence (how information is received and how information is analyzed or tested)
- the issue of standing (who can participate and what their rights are)
- legal representation
- funding and length of time

The scope of any process must be broad enough to capture systemic factors and causes. Limitations on the terms of references and a narrow interpretation of those terms of reference can lead to the exclusion of systemic considerations.<sup>166</sup> In the BC Women's Inquiry, the narrow scope of the terms of reference excluded many broader systemic issues from consideration.<sup>167</sup>

In establishing the scope of the process, it should be recognized that overly formalistic and adversarial processes are foreign to and tend to exclude Indigenous legal traditions, knowledge holders and other important stakeholders.

The scope of the process should ensure the Commissioners have enough flexibility to adequately complete their task at hand. As stated by Justice Sinclair, “commissioners should be able to do their work as they see fit recognizing timeframes and funding limitations.”

In Australia's Royal Commission on Aboriginal Deaths in Custody, the Commissioners were given the authority to inquire, among other things, on “social, cultural and legal factors which, in your judgement, appear to have a bearing on those deaths.” Commissioner Dodson explained how he interpreted those factors in one of his regional reports. He stated:

With regard to matters '**cultural**' I am referring to **a system of knowledge, ideas, beliefs and practices** that are independently shared and experienced by members of Aboriginal and non-Aboriginal society. It is important to recognize here that cultural traditions come from 'inside' the society or group (that is, they are meaningful only to that society or group) and these **beliefs and practices are reproduced and maintained over time, albeit within certain changes and continuities.**

With regard to matters '**legal**' I am referring to what is generally known as a '**body of rules**' which are recognized by society as binding on all members of that society. This 'body of rules' seeks to regulate social behaviour and establish principles that enable matters such as the adjudication of disputes and the punishment of offenders, to be dealt with by persons charged with the responsibility and authority to maintain order. [...] With regard to '**social**' matters I am generally referring to the people and the institutions who comprise the group or society under discussion: that is, **Aboriginal and non-Aboriginal Australians.** By 'social' I have taken the need to consider the structural bases of behaviour that constitute the interdependent world of social relationships, and social institutions.

---

<sup>166</sup> During and subsequent to the BC Inquiry, the groups expressed disappointment in the limitations of the terms of reference.

<sup>167</sup> Bennett, Darcie, David Eby, Kasari Govende, Katrina Pacey, *Blueprint for an Inquiry: Learning from the Failures of the Missing Women Commission of Inquiry*, (2012, BC Civil Liberties Association, West Coast Women's Legal Education and Action Fund, Pivot Legal Society) online: Pivot Legal Society < <https://bccla.org/wp-content/uploads/2012/11/20121119-Report-Missing-Women-Inquiry.pdf> > [“Blueprint”] at p. 18

By placing the Terms of Reference into a considered context, and by addressing the matters which have been placed before my Commission throughout various conferences and meetings with Aboriginal and non-Aboriginal people in Western Australia, I find that I am required to also place **'economic' factors** within my task. **To not consider economic factors when Aboriginal people are arguably the most economically marginalized people in Australia today, would be to disallow a proper recognition of the underlying issues** that lead to deaths in custody for Aboriginal people, and which my findings seek to redress.

Hence, with regard to **'economic'**, I am fundamentally referring to the **way in which a society sustains itself**. I am using the term in the broadest possible sense within the Australian economy, and taking the view that economic interests concern making choices about the production and allocation of scarce resources, competition for resources (such as employment, housing, income, property ownership), and the maintenance of those resources. (emphasis added)

While this Commission was held in Australia on a particular issue, it can provide particular insight for lessons learned as it relates to Aboriginal people in Australia and the scope and magnitude of the issue were large.

### **Decision maker and their legal authorities**

Judges, Commissioners and Advisory Panel members who are chosen or appointed to lead a process can have significant impacts on its outcomes (both negative and positive). In some cases, inquiries may have commissioners who act more as investigators and advisors. For example, the Commission on Bilingualism which was chaired by André Laurendeau and Davidson Dunton followed this approach and the result was widespread and substantial changes to the use of French across Canada.

Another well known example is the appointment of Justice Thomas Berger, a BC Supreme Court Justice, to the Mackenzie Valley Pipeline Inquiry (known as the “Berger Inquiry”).

Justice Berger was appointed as Commissioner by the Federal government under Pierre Trudeau and was recommended by the Indian and Northern Affairs Minister Jean Chrétien.<sup>168</sup> As will be detailed in later sections, the Berger Inquiry set an early and high standard through its innovative approach to hearing community voices. The final report for the Berger Inquiry was concise, colourful and accessible in multiple indigenous languages, and provided to all who testified during the Inquiry.<sup>169</sup> It remains the most printed and sold of all inquiry reports.<sup>170</sup> Many observers would argue that the Berger Inquiry had a positive and enduring legacy due in large part to its focus on community engagement. As with the Berger Inquiry, government response must be driven by courage and commitment to follow through with implementation even if this costs money and requires legislative change.

### **Rules of evidence**

Rules of evidence outline the information that can be received and analyzed. It includes rules on the type of witness who is able to provide evidence.

When establishing the rules of evidence, the individuals affected by the process must be considered. Ideally, affected individuals should be engaged on the proposed rules of evidence. For example, in the case of MMIWG, families should be asked how they wish to tell their stories. The formal rules of

---

<sup>168</sup> Stanton, Kim Pamela, “Truth Commissions and Public Inquiries: Addressing Historical Injustices in Established Democracies”, *Thesis in conformity with the requirements for the Doctor of Juridical Science*, University of Toronto, Faculty of Law (2010), [“Stanton”] at 137 and 148.

<sup>169</sup> *Ibid* at 183-185.

<sup>170</sup> *Ibid* at 175 & 182.



evidence strictly applied may unduly impair the voices of families from being heard.

It also is important to consider the authority the process will have to gather information. For example, Australia's Royal Commission on Aboriginal Deaths in Custody provided the Commissioners with the authority to subpoena<sup>171</sup> documents and records where appropriate.

Cultural, spiritual and religious considerations must be taken into account when setting out the rules of evidence. In certain cases ceremonies and other protocols may need to be followed. Where Indigenous people are involved, Indigenous forms of testimony should be explored.<sup>172</sup> As stated in the TRC Report,

a critical part of this process involves repairing damaged trust by making apologies, providing individual and collective reparations, and following through with concrete actions that demonstrate real societal change. Establishing respectful relationships also requires the revitalization of Indigenous law and legal traditions.”<sup>173</sup>

Consideration must be given to the fact that sharing stories during a formal process or hearing may lead to re-traumatization, loss of privacy, social alienation, and increased risk of violence.<sup>174</sup>

Many of the formal court processes follow adversarial models and require that a person testifying or telling their story be cross-examined and that the person be identified.

Even within court cases, in certain cases evidentiary rules may need to be loosened to encourage participation of those who are affected by the issue. For example, participants could be allowed to testify anonymously and without the possibility of cross-examination.

It is important that all forms of testimony are given weight, even if those sharing information have not been cross-examined or if the information provided has been offered by anonymous witnesses. Such evidence can be tested by alternative means. In the Berger Inquiry, “there was a concern that participation would be affected if witnesses were going to be cross-examined by counsel”.<sup>175</sup> For this reason, instead of classic cross-examination of a witness, representatives from pipeline companies were invited to make a presentation to the Inquiry if it appeared a witness were misinformed or if the companies thought there was a mistaken view of their proposals.<sup>176</sup>

Similarly, in the South African Truth and Reconciliation Commission, NGOs, community based organizations, and religious and civil organizations had trained staff take witness testimonies and the basic facts were then cross-checked and corroborated by investigators (through court records, media reports, etc).<sup>177</sup>

## Standing

The rules of standing speak to who may participate and the extent of their participation. When a process involves individuals and groups sharing their stories in a formal legal setting, the rules of standing will have to be considered. Some processes will only allow one representative witness from a group, as opposed to hearing from all members of that group. This is not ideal.

---

171 A subpoena is legal writ used to summon a witness or the submission of evidence, including records of documents.

172 International Center for Transitional Justice, *Strengthening Indigenous Rights through Truth Commissions: A Practitioner's Resource*, (2012) online: International Centre for Transitional Justice < <https://ictj.org/sites/default/files/ICTJ-Truth-Seeking-Indigenous-Rights-2012-English.pdf>> [“ICTJ”] at 52.

173 TRC at p 16.

174 Blueprint, *supra* note 167 at 33.

175 Stanton, *supra* note 168 at 167.

176 *Ibid* at 167; see also Berger, Justice Thomas R., “Northern Frontier, Northern Homeland”, *Report of the Mackenzie Valley Pipeline Inquiry*, (April 1977), Vol 2, Appendix 1, at page 227

177 Blueprint, *supra* note 167 at p.49.

Some argue that a broad approach to standing raises budgetary and schedule issues.<sup>178</sup> However, there are a variety of mechanisms to ensure that important voices are not excluded.

For the Truth and Reconciliation Commission of Canada, the mandate allowed for any interested party to provide testimony about the Residential School system. Similarly, during the Berger Inquiry, Justice Berger stayed and listened until everyone that wanted to speak had been heard. He patiently gave access to people unrepresented by counsel, on their timeframe.<sup>179</sup> He would sit for 12 or more hours to hear often repetitive testimony, before adjourning and participating in a drum dance.<sup>180</sup> As stated by a reporter, “Tom Berger was happy with silence. For Aboriginal people, that is a gift. He brought those qualities to the hearings. And Dene people responded.”<sup>181</sup> In creating this process, Justice Berger

“...provided the opportunity to tell the country about that Dene history - a history previously denied by political institutions in the north - and the opportunity to talk about a different vision for the future. Just as important, he provided communities with the chance to communicate their shared past to each other.”<sup>182</sup>

Where the issue is so broad that it affects a wide variety of interested parties, regional representative offices could be considered as a means to remain within budget and time limits.<sup>183</sup>

### **Legal representation**

The right to participate in a process may have limited value if participants struggle in making their voices heard. If need is demonstrated, reasonable funding for legal representation should be available to families and participants throughout the Process.<sup>184</sup>

During the Missing Women's Commission of Inquiry in BC, ten participants and three Indigenous and women's coalitions were provided full participant standing. In addition, seven other Indigenous and women's coalitions were provided limited participant standing. Two independent co-counsel were provided standing to present issues related to “Aboriginal interests” and the remainder of the Indigenous and Women’s coalitions were denied funding for legal representation. This decision was criticized as creating “further unfairness” and introducing a “new form of discrimination”.

During Australia's Royal Commission on Aboriginal Deaths in Custody, in almost every case, the families were represented by local Aboriginal Legal Services. In the National Report, Commissioner Johnston noted:

“I cannot sufficiently stress the need when a death occurs in custody for full, open and searching inquiry in which the families feel that they are given all the available facts and given the power to participate.”

It is also important to note that lawyers can “tend to filter information according to whether or not it has legal relevance”.<sup>185</sup> The Commissioners of the Aboriginal Justice Inquiry recognized this tendency and excluded the participation of lawyers for portions of the inquiry. If lawyers and judges are involved, there

178 Hughes, Julia, “Instructive Past: Lessons from the Royal Commission on Aboriginal Peoples for the Canadian Truth and Reconciliation Commission on Indian Residential Schools” (2005) 27 *Canadian Journal of Law and Society*, 124 [“Hughes”] at 124-125.

179 *Ibid* at 169.

180 *Ibid* at 170.

181 “Interview with Paul Andrew, broadcaster”, *Braincells* (2012) online: <[http://www.braincells.net/ubc-inquiry/paul\\_andrew-00.html](http://www.braincells.net/ubc-inquiry/paul_andrew-00.html)>.

182 Peter Puxley, “A Model of Engagement: Reflections on the 25<sup>th</sup> Anniversary of the Berger Report” (August 2002) Canadian Policy Research Networks, online: <[www.cprn.org/doc.cfm?doc=41&I=en](http://www.cprn.org/doc.cfm?doc=41&I=en)> at 6.

183 *Ibid*.

184 *Ibid* at 3. In the BC Inquiry, two independent co-counsel were provided standing to present issues related to Aboriginal interests while many Aboriginal and Women's coalitions and groups were denied funding and were not able to participate in the inquiry.

should be ways to check against the stories being shaped by those hearing them,<sup>186</sup> to ensure that the messages of the families are not lost amidst legal details. The same goes for non-legal leaders on the project, as a message to any person is filtered through their professional and personal experiences.

### **Funding and length of time**

The sources of funding should be clearly established in the terms of reference to ensure continuity despite potentially changing political agendas. A change in government may have direct consequences on the implementation of the recommendations of a Report. While it represented best practices in engagement, the Kelowna Accord was not implemented due to challenges with funding, reliability of data, implementation of recommendations and political agendas. Similarly, the Spring 2012 budget announced the closing of the National Roundtable on the Environment and the Economy.

The funding necessary to support robust decision maker analysis also is required.

For example, Australia's Royal Commission on Aboriginal Deaths in Custody was assisted by various lawyers acting as 'counsel assisting' and a Secretary to the Commission. In addition, the Commission had 'field officers' who gathered information and conducted interviews with potential witnesses.<sup>187</sup>

A critique of many of the processes is that they are too lengthy. Establishing and adhering to reasonable time limits set out in the Terms of References may be a critical step in ensuring that the process achieves its objectives.

### **3- Engaging affected individuals and groups**

It has been established by many that “the most successful commissions consult widely, early, and often.”<sup>188</sup> Engagement is a two way street. Just as decision-making authorities should engage affected individuals, opportunities should be given for process participants to engage with decision making authorities/bodies.

One of the major criticisms of the BC Women's inquiry, was that it was said to have “excluded the voices of individuals and communities that it should have worked the hardest to include.”<sup>189</sup>

The importance of engagement has been recognized in many other jurisdictions. Justice Albie Sachs of the South Africa Constitutional Court said within the context of the South African Truth and Reconciliation Commission that “dialogue is the foundation of repair.”<sup>190</sup>

Engagement will usually involve the government and media. When involving government, it is important to consider who will retain jurisdiction or ownership of the Process. It is important to remember that once governments have been asked to fund a Process, it may be necessary to explicitly negotiate to retain grassroots ownership. In order for a process and its recommendations to be credible, it must be (and be perceived to be) independent from government and police.<sup>191</sup>

Media can be an important tool of public engagement. However a media strategy is an important early step to make full use of this valuable resource. It may be useful to identify a few media contact persons for those directly affected by the process. An effective media strategy is one that provides the access and

---

185 Hughes, *supra* note 178 at 117.

186 With regards to truth commissions, Canadian negotiators have noted that the goal has been to “emphasize the focus on victims, and reduce the focus on the skill of legal counsel to shape the information gained.” Stanton, Kim Pamela, “Truth Commissions and Public Inquiries: Addressing Historical Injustices in Established Democracies”, Stanton, *supra* note 24.

187 [www.naa.gov.au](http://www.naa.gov.au).

188 Blueprint, *supra* note 167 at 29.

189 *Ibid* at 5.

190 Albie Sachs, *The Strange Alchemy of Life and Law*. (Oxford: Oxford University Press, 2009) at 84.

191 *Blueprint*, *supra* note 167 at 50.

background that is needed for the story to be told or for voices to be heard. Cultural sensitivity training is an option if it is identified as a need.

#### 4- Supports

It is important that all those directly affected by a process feel safe and supported. A network of psychological, spiritual, legal and culturally appropriate supports should be made available and easily accessible to everyone participating in the process. Preferably, organizers of the process should work in partnership with established community organizations to design and deliver the needed supports while recognizing that additional financial supports may be required for already overextended groups to assist.

Supports for those who are affected by the issue requires clarity about expectations.<sup>192</sup> The goals and purposes of each step should be made explicit to those involved. Seeking consent to share their stories is legally required and important in acknowledging full ownership of their stories. It is also another way to ensure 'buy in' of the process at every stage.

Oral consent as opposed to written consent can be effective as long as there are witnesses and the participants are given packages outlining what they are consenting to.<sup>193</sup> Participants must be advised how they may exercise or withdraw their consent.<sup>194</sup>

Depending upon the proceeding, another important element of support for certain individuals may be some type of legal amnesty. Whether participants in the process should be afforded legal amnesty in exchange for the full truth of their stories is a question that should be discussed.<sup>195</sup> Some vulnerable women may not want to tell their story if doing so could end in criminal charges.<sup>196</sup> It may also be that some information can only be gleaned from perpetrators, who will not want to further incriminate themselves. It will be important to discuss with organizers and families whether it is possible, or desirable to offer these people amnesty from civil and/or criminal prosecution if they tell their stories.

#### 5- Gathering evidence

A successful process may involve a variety of approaches to gathering evidence. For example, the Commission on the Future of Health Care in Canada received official submissions from organizations but also individuals. In addition to formal submissions, it also received informal submissions from individual Canadians, health care providers, and advocacy groups through various methods. Submissions were allowed in person, by email, phone calls (a toll-free public information line was created), and letters. There was also an 'open forum' at the end of the hearing for the general public to voice their concerns and ideas.

Australia's Royal Commission on Aboriginal Deaths in Custody relied on many sources of information,

---

192 *Ibid* at 46, 49.

193 Ball, Jessica, Pauline Janyst, "Enacting Research Ethics in Partnerships with Indigenous Communities in Canada: Do it in a Good Way"(2012) 3 *Journal of Empirical Research on Human Research Ethics: An International Journal* 42 at 45 ["Ball"].

194 *Ibid* at 49.

195 *Ibid* at 40.

196 An example could involve sexually exploited women doing sex work.

including documents<sup>197</sup>, interviews<sup>198</sup>, direct contact with families<sup>199</sup>, informal meetings<sup>200</sup>, public meetings and conferences<sup>201</sup>, general submissions and responses to the Underlying Issues Paper<sup>202</sup>, questions put to Government<sup>203</sup> and other sources<sup>204</sup>. The Commission also relied on research conducted by the Aboriginal Issues Units<sup>205</sup>, the Criminology Research Unit<sup>206</sup> and other sources.<sup>207</sup>

Over four hundred briefs were submitted by individuals and groups during the Berger Inquiry.<sup>208</sup> This was what Justice Berger called the “travelling teach-in”<sup>209</sup> portion of the Inquiry, encouraging social accountability amongst non-Indigenous and Indigenous Canadians. Throughout the entire process, Berger collected approximately half of the evidence from corporate applicants, and about half from Indigenous groups, public interest groups, and Commission counsel.<sup>210</sup>

- 
- 197 At the commencement of the Commission, subpoenas were issued to State and Territory Governments for documents relevant to the circumstances of individual deaths. This meant that as a starting point large numbers of files from a number of government departments were gathered. The files subpoenaed in the first instance were those directly related to the deaths Coroners files including exhibits, police department files, prisons department files and health department files. From this information, more detailed investigations followed. Files held by Aboriginal legal and health services, employers records, educational histories, welfare records, and family histories were gathered.
- 198 This task was largely assumed by Commission staff and in some instances required an enormous amount of work. For example, if someone died in a prison where there were several other inmates, each person might have to be located and interviewed. It was these files, statements and records of interview that made up the bulk of exhibits tendered at hearings into individual deaths.
- 199 This was an important part of the preliminary preparation so the Commission could hear their particular concerns and desires relating to investigations of the deaths. This was also important because records maintained by police, prisons and welfare departments often paint an unfavourable picture of the individual. The National Report noted: “Cultural stereotyping among those compiling the information contributes to images of lawlessness and welfare dependence. Aboriginal perceptions were a necessary complement to the contents of files.” In addition, it states: “In some circumstances, rather than call relatives as witnesses to hearings, transcripts of interviews were tendered before Commissioners. The time between the death and the commencement of Commission inquiries often made recalling events a difficult task, with many of the deaths occurring many years before and people's memories fading. Many found it difficult to discuss the deaths of close family members. Some of the deaths had been the subject of recent police investigations and coronial inquiries, and another inquiry was sometimes not welcomed.”
- 200 Although most of the information presented before the Commission was in the form of exhibits, submissions, research papers, responses to discussion papers, and oral testimony, there were other forums. Many less formal meetings with groups or individuals such as police officers, Aboriginal people, and public servants contributed to the body of knowledge of all Commissioners.
- 201 Many of the Commission hearings were conducted in the communities where the deaths had occurred. In some circumstances, being at the community presented an opportunity to have public and private meetings with Aboriginal people to discuss matters of relevance to the underlying issues. As part of his inquiries in the Northern Territory, Commissioner Johnston convened a number of conferences on a variety of topics. In advance of such conferences discussion papers were prepared by Counsel Assisting identifying issues which needed to be addressed and providing reading material relevant to those issues. Other Commissioners held similar conferences.
- 202 The Commission received a significant number of general submissions on a range of topics. At a meeting of Commissioners in July 1989, it was resolved that a process would be commenced with the objective of generating further public response to submissions received on the underlying issues. A document drawing together the topics which had been identified by investigations, reports and submissions received up to that time was prepared by Counsel Assisting and circulated widely. Simultaneously, invitations were sent to parties given leave to appear and governments throughout the country asking them to list those matters which they believed to be underlying the deaths. Responses to that preliminary document were considered and a further document prepared. In October 1989, a paper titled 'Underlying Issues' which set out the Commissioners' preliminary thoughts on the possible range of underlying issues was circulated to some 2,000 people and organizations. In February 1990 another version with minor changes was circulated. The paper, which invited people to make submissions on the topics listed, warned that if people wanted submissions to be kept confidential, they should state so in the submission. The reason for this was that since the commencement of the Commission, it has been a policy to encourage a wide-ranging exchange of opinions between interested parties. Copies of responses to the underlying issues paper were regularly provided to parties given leave to appear. In addition to this method of actively seeking out submissions, notices regularly appeared in newspapers, both regional and local, prior to the commencement of hearings into individual deaths inviting public attendance and submissions. Hearings were closed to the public only in the most exceptional circumstances. Notices requesting submissions also regularly appeared in

Anyone actively engaged with individuals (particularly with vulnerable groups) should be trained as or have access to community leaders, trauma experts, survivor/victim groups, activists, and scholars.<sup>211</sup> It is important to ensure that the resources of existing organizations are used to facilitate training, provide supports, and to encourage participation.

The most engaging and successful processes also accommodate persons with disabilities, those who do not speak English, and other persons requiring accommodation.

*Accommodation also means meeting people where they feel most comfortable.*

Processes should be accessible to a wide variety of individuals, particularly those most affected by the issue. In certain cases, a physical presence may be needed in different regions. For example, the Australia's Royal Commission on Aboriginal Deaths in Custody, was organized into regions and had offices in Adelaide, Brisbane, Broome, Canberra, Darwin and Perth and sub-officers in Melbourne, Alice Springs and Hobart.

During the Berger Inquiry, hearings were held in major centres, but also in every community in the Western Arctic.<sup>212</sup> Justice Berger consulted in log cabins, village halls, beside rivers, and in hunting and

---

national newspapers.

203 Another method of investigation used by the Commission outside of formal hearings was the drafting of a series of detailed questions to various State and Commonwealth Government departments. This was done subsequent to receipt of submissions and responses to the underlying issues paper to fine tune the contribution that could be made by various departments. Given the range of topics under investigation by the Commission and the plethora of agencies that impact on the lives of Aboriginal people, it was a most useful exercise. In some cases, subsequent to receipt of the responses, conferences were held with senior departmental officers to discuss and expand on some of the answers given. This was seen as a way for the Commission to keep abreast of government policy and programs throughout Australia, and by putting similar questions to different State Governments, enabling comparisons to be made.

204 In addition to the materials referred to above, the Commission used pre-existing information on the subject matters under inquiry, including books, government reports and published works.

205 The Aboriginal Issues Units (AIUs) were established following a resolution made by all Commissioners in March of 1989. It was contemplated that the units would complement the work being done by other staff of the Commission but exercise professional autonomy and integrity. The AIUs worked under the same constraints of time, task, and geography that came to typify the workload of the Commission throughout the country, but, given the demographic factors that characterize the Aboriginal and Torres Strait Islander population, their task was particularly onerous. The AIUs were established to ensure that each Commissioner hears and understands the views of Aboriginals and Aboriginal Communities and Organizations in his region about the reasons why so many Aboriginals are in custody and die in custody and their views as to how the situation can be changed. Among other things, the job of the AIUs was to identify what Aboriginals see as the issues and the solutions, to ensure that those perceptions are conveyed to and understood by the Commissioner and in appropriate cases to encourage Aboriginal Communities, Organizations or individuals to prepare their own submission(s).

206 According to Commissioner's Dobson's Regional Report, the Criminology Research Unit "assisted with a study of arrest and bail patterns in 1987 and 1990 at Kalgoorlie Police Station. The Unit analyzed the initial data collected for the 1987 study period and designed a data collection form for the 1990 study period and analyzed the results. Their findings were presented in Criminology Research Unit Research Paper No. 18 by D. McDonald: 'Arrests, Custody and Bail, Kalgoorlie, 1987 and 1990'. The Unit has also produced a report based on data collected about each of the Western Australian cases."

207 The Commission engaged consultants on a range of subject matters to supplement the information and research resources. This research was carried out under the direction of individual Commissioners and was coordinated nationally to avoid duplication of effort.

208 Berger Inquiry at 170.

209 *Ibid* at 170.

210 *Ibid* at 199.

211 International Centre for Transitional Justice, Truth Commissions and Gender: Principles, Policies, and Procedure, (2006) online: <[https://ictj.org/sites/default/files/ICTJ-Global-Commissions-Gender-2006-English\\_0.pdf](https://ictj.org/sites/default/files/ICTJ-Global-Commissions-Gender-2006-English_0.pdf)> ["Gender"] at 12.

212 *Stanton, supra* note 168 at 166.

fishing camps.<sup>213</sup> Community members “crowded into community halls and school gymnasiums and in Slavey, Dogrib, Chipewyan, Loucheux, Hareskin, Inuktitut, English and sometimes even French they put their fears and hopes on record” .<sup>214</sup> The formal hearings and the community hearings were considered two “equally important parts of the same process.”<sup>215</sup>

Accommodation also requires the Process to involve a variety of Indigenous spiritual and cultural ceremonies where appropriate and to proactively ask knowledge holders and stakeholders whether they require accommodations and if so, what types.

Benchmarks should be established to assess whether any group has been underrepresented in information-gathering. If under-representation is identified, this can be addressed before the process is complete.<sup>216</sup>

## **6- Openness to Flexibility and Different Streams of Action**

Planning for the creation and execution of a Process requires openness to flexibility and change. For example, Australia's Royal Commission on Aboriginal Deaths in Custody originally only had one Commissioner appointed. However due to the number of individual deaths and the volume of work required, four more Commissioners were appointed by the government. The activities of all these Commissioners led to the success of this Commission.

The Commissioners of Australia's Commission also had to remain flexible with timelines - particularly with the timelines of the individual inquiries. Hearings where the facts were not in dispute did not take very long, but others were “long and intense, running into weeks in some cases and months in one case.”

Achieving the desired outcomes may require building upon various streams of actions. For example, the Federal Government created an Open Government Partnership (OGP) during the Advisory Panel on Open Government which outlined its commitment to various principles. Various streams of actions were created to implement each of these principles. Moreover, each of the streams of actions had sub-streams which created further commitments. The success of this approach highlights the importance of flexible and making a wide range of options available to participants.

A desired outcome can also result from a process involving multiple stages. For example, the process for the Kelowna Accord was initially a gathering of 147 people representing governments, organizations and institutions which recommended a way forward based on consensus. Before moving onto the next step, a report was created and changes were implemented immediately at the government level. The next meetings considered six priority areas arising from the first meeting. Approximately 750 participants were invited to sessions which involved roundtable discussions and breakout sessions based on themes. Discussion papers were prepared prior to the sessions. While the Kelowna Accord ultimately foundered for reasons discussed elsewhere, its multiple roundtable process offers a useful example for consideration.

## **7- Building Consensus**

Consensus is key to a successful process. A consensus process is one in which participants aim to reach agreement on actions and outcomes to resolve issues of importance to the parties.<sup>217</sup> Participants work together to build consensus for a process and form partnerships based on respect.

Consensus seeking encourages discourse and understanding among the parties, and creates a forum in which the importance of reconciling competing interests is both understood and addressed. It brings together all sectors, non-governmental stakeholders and governmental authorities, to work together in a cooperative forum. Most importantly, it facilitates the achievement of two primary objectives: a shared

---

<sup>213</sup> *Ibid.*

<sup>214</sup> *Ibid* at 170.

<sup>215</sup> *Ibid* at 166.

<sup>216</sup> Gender, *supra* note 211 at 18.

<sup>217</sup> See for example, <[www.glennsigurdson.com/cse-group-2/sustainability-lenses/](http://www.glennsigurdson.com/cse-group-2/sustainability-lenses/)>.

commitment to the outcome achieved through negotiations and the development of a long term working relationship.

The late Anishinaabe knowledge keeper, Peter O' Chiese explained that "seven twice is eight" meaning that "seven perspectives are blended, seven perspectives working in harmony together to truly define the problem, truly define the action that is needed makes for an eighth understanding."<sup>218</sup> A recent Report by the National Collaborating Centre for Determinants of Health offers a Case Study of the Government of Nunavut's process to develop their plan for a reduction of poverty. The poverty reduction plan was created through the engagement of the government, Inuit organizations, other organizations and individuals. Legislation on poverty reduction in Nunavut was also created as a result.<sup>219</sup> In this instance, consensus was framed in terms of "partnerships" and territorial government and knowledge holders of Inuit Qaujimajatuqangit (IQ)<sup>220</sup> worked together to solve the issues.<sup>221</sup>

## 8- Clear expected outcomes

When creating a process, it is important to set out clear expected outcomes from the beginning. Engagement of affected individuals in setting out expected outcomes is preferable. Generally speaking, existing processes can offer opportunities for:

- those affected to have their voices heard and perspectives honoured
- healing of individuals and societies
- the creation of support networks for those commonly affected by an issue
- the validation of someone's experience
- compensation or reconciliation of those who have been negatively affected by an issue
- systemic reform and creative solutions to issues

## 9- Implementation Process

Proposing an implementation process is essential for its effectiveness. Those who are involved in the process and affected by the issue should be involved in creating the implementation plan. Implementation committees can be proposed to monitor results and recommendations to ensure accountability. For example following the Aboriginal Justice Inquiry, an Aboriginal Justice Implementation Commission was created to review the recommendations of the AJI and to advise the government on the recommended methods of implementing those recommendations for which the Province of Manitoba was responsible and accountable.

The process of the AJI Commission was to review reports, consult with experts and report on the progress of recommendations and implementation of the AJI. Many of the recommendations have been implemented as a result, but not all. Concrete targets and clear measures of success are necessary for implementation. Establishing targets and indicators should not be left to governments. Effective processes will engage those affected by the process to identify measures of 'success'.

## 10- Transparency and memory

An important part of the monitoring and implementation is the availability and accessibility of information. The terms of references and submissions for the process should be made available and accessible to the

---

218 Canada, Royal Commission on Aboriginal Peoples, *The Report of the Royal Commission on Aboriginal Peoples*, vol. 2 (Ottawa: Public Works and Government Services Canada, 1996) at 135.

219 National Collaborating Centre for Determinants of Health, *Fostering Health Through Healing: Engaging the Community to Create a Poverty Reduction Strategy in Nunavut*, (2014) online: National Collaborating Centre for Determinants of Health <nccd.ca/images/uploads/Nunavut\_case\_study\_EN\_web1.pdf>.

220 IQ refers to "a body of Inuit beliefs, unique cultural insights, and Indigenous knowledge that includes concepts of collaboration, consensus, acquiring skills and knowledge, serving others, environmental stewardship and being resourceful." *Ibid* at 3.

221 *Ibid* at 11.



public during and following the end of the formal process. In certain cases such as the Somalia Inquiry and the Kelowna Accord, terms of references are not easily accessible online.

## **Our Recommendations on Guidelines for Framework**

Based on the lessons learned from existing processes, the Families First process must:

1. Involve early and ongoing meaningful engagement of all affected individuals and knowledge holders at every stage
2. Have clear Terms of References which have a broad enough scope to include systemic issues
3. Involve strong courageous leaders who are not afraid of advocating for the implementation of their recommendations
4. Have flexibility in rules of evidence to ensure inclusion of meaningful evidence and involvement of proper spiritual and religious protocols
5. Clearly set out the issues it is aiming to address
6. Be open to a variety of methods for gathering evidence and different 'streams of actions'
7. Have broad standing rules to include individuals and groups affected by the issue
8. Give equal weight to natural, spiritual laws and Canadian laws
9. Have adequate and secure funding for process and implementation
10. Have a variety of culturally appropriate and accessible supports
11. Ensure expectations are meaningful and reasonable
12. Be based on consensus building
13. Have a clear implementation process.

## Part IV: Creating “our own process”

“It's about time we do it our own way.”

**Listening and Understanding**

Families are grieving and need to be supported in their healing journeys.

Many of the existing plans for action addressing MMIWG have been developed without the direct involvement of those who are most affected by the issue.

Within the context of an environmental hearing, Elder D'Arcy Linklater explains why listening and understanding is necessary:

So in order to understand [...] **the art of listening, we have to understand also the art of nesohkumakewin to try and understand each other, to try and understand who we are, especially with respect to our people.** You have to understand also what we have been through as First Nations people in this country with respect to extinguishment, we nearly lost our ways, our language. But the Creator gave us **blood history, through those customary laws and customary law principles we get reminded, we never lose anything because of blood history, and it is always there.** And we must use what was given to us and apply it to things that make our lives difficult. And that is the purpose of that, why we are here, try and **understand the art of listening and also the art of understanding** [...]. So it is important to try and understand our people and our laws. It is important also to governments and regulators to try and understand us, who we are and where we come from. (emphasis added)<sup>222</sup>

Listening and understanding must “come from a good place within us.”<sup>223</sup> This includes the positive listening and understanding which is non-judgemental and is based in acceptance and inclusiveness.

The principle of listening and understanding has guided us throughout the preparation of this Report. It has led us to propose the Families First Leaders based on the deep seated desire of community members and affected persons to create their own process. It is our hope that it will also guide the Commissioners responsible for implementing Families First.

## What we heard on process

### From Families

From the families' perspective, one of the main focuses of the proposed approach should be on achieving tangible outcomes including the provision of adequate supports to families.

Generally, the families all felt that the process should focus on the grassroots. As one family member said, “each province should take care of its own, clean up its own backyard.”

### Hopes for the process

Some of the hopes identified by the families were that the process will

- honour their loved ones as persons and achieve justice
- be culturally and religiously diverse
- help the families in their healing journeys
- help them realize they are strong enough to tell their own stories
- validate the feelings of anger, frustration and sadness of the families
- involve multiple knowledge holders and stakeholders: families, province, city, police, RCMP and corporate Canada
- prevent future crimes
- increase awareness of both the tragedy and its root causes
- ensure the voices of the families heard

---

<sup>222</sup> Elder D'Arcy Linklater, Keeyask Hearing.

<sup>223</sup> Elder Wally Swain

- unite Indigenous and non-Indigenous communities and tackle racist stereotypes
- identify clear roles and responsibilities for each level of government to address the issue of MMIWG

## Scope

The families indicated that the stories and issues to be discussed in the Process should include:

- concrete actions to improve supports for families and communities
- the root causes of sexual exploitation and violence against women and girls
- ways to build self-esteem and empower Indigenous women and men
- statistics on police investigations, sexism and accountability of police
- ways to improve the relationship and communications with policing agencies
- measures to protect the most vulnerable children, women and girls in society
- the connection between different systems such justice, child and family services and the education system
- the impact of gendered violence, poverty, exclusion, racism and discrimination

Families stated that the process should be taken to the communities where families' feel most comfortable and safe. They also stressed the importance that Families First keep the families fully informed about the process throughout.

The families were asked what a process addressing MMIWG should focus on achieving and accomplishing. Their responses varied significantly depending on where each person was in their healing journey and whether their loved one was murdered or missing. Many of the families indicated that the Process should focus on tangible actions.<sup>224</sup>

Generally speaking, families wanted to prevent future crimes and honour their loved ones who are missing or have been murdered. Most of the families said that a process should be created in order for the families to share their stories and for people to listen. As one family member said, “this should be broader so that a lot of people understand what we go through.” A family member stressed that “we must honour each family individually” and hold ceremonies for each and every one of them.

Some of the families said that we should aim to accomplish positive results for missing and murdered Indigenous men and boys as well.

## Values and key principles

Some of the values and key principles identified by the families included:

- focus on the grassroots
- healing
- honouring
- sharing (information and supports)
- respect
- love
- empowerment
- inclusiveness
- listening

They told us that an approach committed to listening should respect differences of cultural, spiritual and religious beliefs and families should be met where they feel most comfortable.

---

<sup>224</sup> The 'tangible actions' will be outlined in the next section.

Families emphasized that they should be kept fully informed throughout the process.

All engaged expressed that the recommended approach must honour the loved ones and help families in their healing journeys.

## **Concerns**

The concerns identified included that:

- the process will ignore the root causes of the issues
- the recommendations will not be implemented
- the process will be too lengthy and costly and that immediate action will not take place
- a process will put the lives of the families under a microscope
- the process will exclude the families
- families in the North will be left out
- Indigenous men and boys will be left out
- the process will cause further division within Indigenous communities

Many worried about the time and length of formal processes and whether certain families would be excluded from meaningful participation. Others expressed concern that families would be put under a microscope and viewed in a negative light. Many families were concerned that the recommendations of the proposed process would not be implemented.

While formal processes (such as national and provincial inquiries, roundtables) were generally well understood, families feared that they would be too costly and lengthy and would not result in tangible benefits. One family member said

I'm divided on [the issue of roundtable and inquiries]. I feel like it's an either or situation, and I'm afraid if we do the roundtable, then the federal or provincial government will say, we did this. We need to have action behind the discussion.

## **Leaders**

Most of the family members engaged agreed that a panel should be leading the process rather than a single individual. This could include: a grandmother, an Elder, Indigenous language speakers and a youth representative. They stressed the importance of having a mixture of Women, Men, Elders and Youth. They also believed it was important to have North and South representation on the Panel. Families were divided on the question of whether a representative family member of a MMIWG should be part of the Panel.

Families believed that the process should involve multiple knowledge holders and stakeholders including the families, Elders, service providers, the province, city, policy and corporate Canada. They highlighted the critical nature of early, ongoing and widespread engagement, the importance of monitoring and implementation and the value of forming partnerships based on consensus and respect.

## **From Elders**

### **Root of the Issue and Scope of Process**

The Elders were clear that the issue of MMIWG is a result of many interconnected systems including: justice, child welfare and poverty. A few of the Elders said that “the residential school effects still impact people today.” They also spoke about the direct relationship between what is happening today and the loss of cultural identity. Most of the Elders indicated that the process should address ways to discuss traditional roles of both women and men as “we cannot be balanced without the men.”

The Elders all emphasized the importance of healing. Indigenous knowledge and traditions tell us that this issue must be addressed in a holistic manner. The Elders stressed the need for “our own traditional therapies [and traditional medicines].” They agreed the process should be based in the laws of Indigenous people and could include ceremonies to help support and heal.

## Hopes

The Elders were hopeful that the Process would:

- expose the truth about what is happening to Indigenous women and girls and their families
- address the hurt in Indigenous communities
- help and acknowledge the “forgotten people” in Indigenous and non-Indigenous communities
- achieve concrete actions to address MMIWG
- be inclusive of all including both Christian and Indigenous traditional people and ways
- address the issue despite governments not wanting to be involved
- achieve physical, emotional, spiritual and cultural healing
- be an opportunity to exercise “the art of listening” and address reconciliation

## Guiding Principles

The Elders indicated that the seven teachings should guide the Process- respect, love, truth, honesty, wisdom, humility and courage.

Other key principles that should be included and have a direct relationship to the seven teachings include:

- balance
- listening, hearing and understanding
- responsibility
- inclusion of all

As stated by Elder Dennis White Bird, “this is an opportunity for us to rebuild - our families and our communities.”

“The Indigenous ways have always been to protect our land, protect our children, protect our women. The earth is our mother, the sun is our father, the moon is our grandmother. We are all related. That’s the most powerful teaching we can teach.”<sup>225</sup>

The Elders acknowledge that Families First “started off right” by going to those who are directly affected and suffering from the issue of MMIWG. Families were asked to identify how they wanted to be involved in the recommended Process. Specifically, the families were asked for recommendations on how they could share their stories while feeling safe, supported and empowered. Some of their suggestions included:

- families must be fully informed about the process throughout
- differences of cultural, spiritual and religious beliefs must always be respected. Families must also be respected no matter where they may be in their healing journeys
- the Process should be taken to the families’ communities which is where they feel most comfortable
- engagement sessions should start with an icebreaker and should involve food to make people feel more comfortable
- contact with the families should be done with existing service providers with whom families are already in contact

## **Involvement of Elders**

The Elders would like to be involved in the process. They indicate “we have been given a role and responsibility to speak on this issue.”

### **Concerns**

The elders expressed concern that:

- lawyers and judges would benefit and questions would remain unanswered
- the process would forget about the people directly affected
- the federal government will continue to do nothing about the issue
- it will become a 'blame game'
- the process will be too formal and exclude those who are directly affected

One of the Elders stated that “the truth will not come out in an inquiry...because they don't want certain information to get out in the general public...we need to tell it how it is.” Another Elder stated that national level inquiries or roundtables are too political and “we need to solve [this] ourselves.”

Another Elder said he would like to see a roundtable as that would encourage discussion and recommendations to address the issue. However, all the Elders agreed that “a one day roundtable is not enough.”

“There are recommendations from the Aboriginal Justice Inquiry that have not been implemented. Those need to happen. That inquiry happened for a reason and a lot of good work was done... If we're not paying attention to that, it's a mistake. And then the work out of the TRC. Recommendations are on the table, we just have to make it happen.”<sup>226</sup>

## **From Youth**

### **Concerns**

Youth were very concerned about family members and their communities. Youth indicated that the process should cover the links between Indigenous women and girls with government, police, poverty, child and family services and employment. They said that the process should speak to the issue that “girls have no income [and] live in poverty and end up in risky situations like escorting.” Another youth stated that “this is a continuation of genocide, sixties scoop, residential school, to take away First Nation women.”

### **Scope**

The youth agreed that whatever the process may be, there “needs to have resources for affected families to participate.” And “families should be involved at all levels but only based on their comfort levels.”

Youth indicated that the process should be cyclical and engage Elders, adults, youth and children equally. The fact it is cyclical in nature means that it should constantly be reevaluated and recommendations should not be ignored. Two youth believed that we should evaluate whether the process recommendations are being implemented at least once a year.

## **From the MMIWG Coalition**

226 Sjoberg

## Scope

MMIWG Coalition members stated that it is important to remember the stories of missing and murdered Indigenous women so that future generations know what happened. As one member stated, “whoever writes the history, writes in their bias, so, we need to write our own history.”

*“This is not a criminal issue, it is societal. An inquiry needs to look at it through that lens.”*<sup>227</sup>

A MMIWG Coalition member expressed frustration that the question of whether or not to have an inquiry or roundtable is “dividing our people.” Overall, Coalition members agreed with the findings of the Truth and Reconciliation Commission in its call for a national inquiry into MMIWG.<sup>228</sup>

The coalition's stated reasons for this call were: to allow families to find out what happened to their loved ones; to address the societal issues and root causes that have enabled Indigenous women and girls to become missing or to be murdered; to help foster reconciliation; and, to prevent these terrible tragedies from continuing. One coalition member, when asked about what should be the immediate actions taken with respect to MMIWG, stated that:

*My first thought in regards to this question is to say absolutely an inquiry must be done. Everyday women and girls continue to go missing or are murdered. The violence against Indigenous women and girls must stop. The women and girls who are murdered and missing are someone's daughter, mother, wife, sister, grandmother.*<sup>229</sup>

The coalition indicated that there must be a commitment from the federal, provincial and municipal governments to support an inquiry into missing and murdered girls, and to make a commitment to act on the findings and recommendations from such an inquiry. A coalition member stated that “(a)ll three levels of government have had a role in entrenching inequality, and making it worse. All three levels of government have the ability to reverse those decisions and to build something better.”

Members of the coalition stated that the inquiry must have a broad mandate to focus on child welfare, justice, education and health, with directives given to the various systems to provide information to the inquiry.<sup>230</sup> Members also indicated that Indigenous people need to be involved at all levels, from leadership to staffing, and that pipe ceremonies should be held prior to the start of, and periodically throughout an inquiry, to guide the process.<sup>231</sup>

Coalition members also indicated that, in the lead up to coming provincial and federal elections, AMC should strategically develop questions that can be posed to all candidates, to ensure that the call for a national inquiry into MMIWG is included in the candidate's platforms on social justice issues.<sup>232</sup>

The MMIWG Coalition flagged the trauma of families lost in complicated systems during the most difficult time of their lives. They underlined the importance of a push for action aimed at both immediate and systemic change. The MMIWG Coalition underscored the importance of listening and understanding the families. As stated by one individual, the families,

*“...know what they need. Our young people know what they need. We need to have them in the centre and tell us what they want to see. Its then our job to follow up on that.”*

---

227 Kehler

228 Morrisseau, Campbell

229 Morrisseau

230 Morrisseau

231 Morrisseau

232 Johnston, Scott



## Families First Process

### Our Own Process

*“We should come up with our own ways based on what the families want.”*

Families, Elders, youth and the MMIWG Coalition expressed a desire to move past the debate about whether or not to have an inquiry, roundtable or other formal process. Many expressed a desire to create **“our own process”** based on what the families want and grounded in Indigenous knowledge and traditions. It was also important for those engaged to include “different streams of action.”

One of the family members said “in Manitoba, we need to approach it in a more inclusive and connected way”. Another said, “the process would be inclusive of all levels of governments and inclusive of all people affected. Too often we are involuntarily included to the point where we have no say.”

*“We're all Manitobans, and we're all there for each other because we care for each other, we take care of our own.”*

Generally, the families all felt that the process should focus on the grassroots. As one family member said, “each province should take care of its own, clean up its own backyard.”

The vast majority agreed that *“our people should be writing the history, not having it written for them.”*

### Families First

*“We are being very cautious of what we are putting down on paper; if creating a law, then it must be understood by our people when reading it.”*<sup>233</sup>

The Families First process focuses on Manitoba. It is an evolving, inclusive process which is guided first and foremost by the families of MMIWG as well as Elders, Grandmothers, youth and the MMIWG Coalition of service providers. Families First aims to be inclusive of all families, communities, governments, non-governmental organizations and businesses.

*“Because it's not just support for the MMIWG. We want to stop it. Not just perpetuate it forever and support the families. No. We don't want this to happen.”*<sup>234</sup>

Families First seeks to

- address the gaps of knowledge which have been created as families of MMIWG, Elders, youth and service providers have been largely excluded from the mainstream dialogue on solution making
- address the historic distrust between Indigenous and non-Indigenous people and focus on achieving healthy sustainable long term relationships building on what Indigenous people have always known and what has been reported in the TRC Report on Indian Residential Schools
- identify and achieve both immediate and long term solutions to address the social, cultural, political and economic issues relating to MMIWG by including those who are affected by the issue at all steps of the process
- educate the broader public on underlying historical and systemic issues contributing to violence against Indigenous women and girls
- give equal weight to natural, spiritual laws and Canadian laws

---

233 Elder Mary Maytwayashing, July 2, 2015.

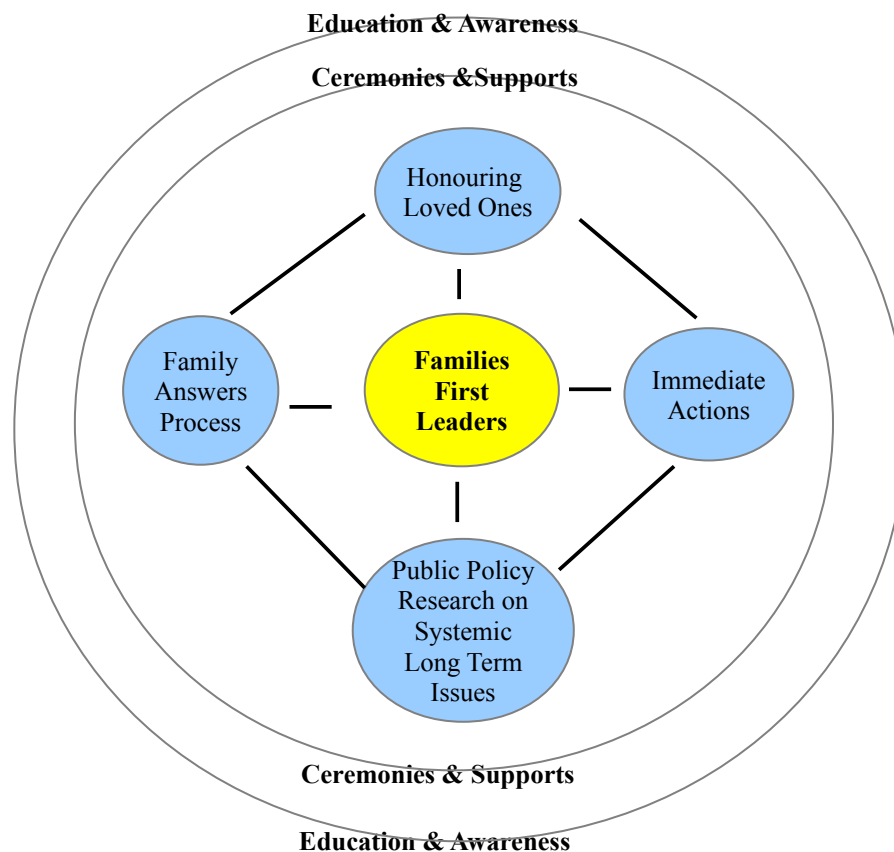
234 Scott

- honour loved ones and support families to feel strong enough to tell their own stories where they feel most comfortable
- support families and communities in individual and collective healing journeys
- validate the feelings of anger, frustration and sadness of the families
- prevent more MMIWG

The Families First model could be replicated in other Canadian jurisdictions. Should other provinces and territories implement a process to address the issue of MMIWG, information should be shared among the jurisdictions to ensure collaboration and avoid duplication where possible.

Given the importance and magnitude of the issue of MMIWG, the cost and length of time needed to complete the Families First process will be significant. In order to address the families' concerns that the process will be too lengthy and costly, a number of immediate actions and accountability measures are proposed. The Families First process includes four main areas of work:

- Honouring Loved Ones
- Immediate Actions
- Public Policy Research on Systemic Long Term Issues
- Family Answers Process



The diagram above was designed to closely resemble the medicine wheel which is used as a metaphor for many traditional teachings. It can represent the interconnection of all life; the four seasons; the four parts of a person (physical, mental, emotion and spiritual); the four kingdoms (animal, mineral, plant and human); the four sacred medicines (sweetgrass, tobacco, cedar and sage) and the four directions.

Given what we heard on the importance of languages, each of the four areas of work should be named in the language of the Nation associated with each direction:

- Honouring Loved Ones - North

- Immediate Actions - East
- Public Policy Research on Systemic Long Term Issues - South
- Family Answers Process - West

Further engagement will be needed on how to include the language groups (Dene, Ojibway, Dakota, Cree & Oji-Cree).

## Considerations for Families First Terms of Reference

### Overview of Families First Leaders

*“There are leaders - of the community, medicine, justice and different forms of leadership; it is whoever has that knowledge; say [you’re] a good hunter, so you lead, take the young and teach them [...].”*<sup>235</sup>

Given the desire to create 'our own process', the 'Families First Leaders' are proposed as the decision makers of the Families First Process. According to the Elders, it was important to include the word 'leader' and 'fire' in the work of Families First. The Elders stressed the need to include these words into the Report in the Treaty languages of Manitoba. According to Elder Florence Paynter, the word for 'male leader' in Anishinaabemowin is Ogiijida and 'female leaders' are Ogiijidaikwe. In Cree, the word for leader (singular) is Okectota' Iskweo and leaders (plural) is Okectota Iskwiwuk. According to Elder Henry Skywater, the word for leader in the Dakota language is Itania. He explains the importance of including this word as this means “leaders [who] stands up and are not [...] afraid to do something about it. [...].

The Elders agreed that it is important to have “brave leadership” in charge of the process.

*“[W]e need true leadership to see the difference.”*

Based on what we have heard and read, it is recommended that the Families First Leaders be made up of a total of 8 individuals. The Leaders should include representation from:

- male and female
- North and South
- Youth
- Elders
- Grandmothers
- Technicians such as lawyers, researchers, academics, knowledge holders

*“We must have balance.”*<sup>236</sup>

All members of the Families First Leaders should have a good understanding of the Indigenous cultures and teachings. Proactive steps should be undertaken in the event that an individual appointed does not have a good basic understanding of this knowledge.

It is recommended that an engagement process be undertaken immediately to determine how the members of the Commissioner should be appointed. Notionally, political organizations including the Assembly of Manitoba Chiefs, Southern Chiefs Organization, Manitoba Keewatinowi Okimakanak (MKO) and the Manitoba Metis Federation could work together to identify Leaders however other options should be explored.

As the Families First process involves 4 main streams of action, two leaders would be responsible for each of the areas of work.

---

235 Elder Wally Swain

236 Elder Wally Swain

Leaders should be provided with the opportunity to meet on a regular basis to share information amongst one another. It is recommended that meetings be held with the entire Commission at minimum four times per year. It is likely that the Families First Leaders will have to meet on a more regular basis at the outset of the Process. Reports should be written to summarize the shared learnings from the meetings with the Leaders. With permission and where appropriate, reports should be made public in multiple easily accessible formats.

The Leaders should operate on a consensus basis. The Chair position should be shared between a female and male Elder. It is recommended that each of the Leaders have their turn to chair. One option would be that the Female and Male Elder Chairs change at the beginning of each season.

### **Families First Leaders Mandate**

Families First Leaders should be given the authority to take account of social, cultural, economic and legal factors which appear to have a bearing on the issue of missing and murdered indigenous women and girls.<sup>237</sup>

### **Families First Leaders Guiding Principles**

*“Maybe our leaders will not listen but need to create our own laws; what are rules on customary laws as each has its own rules; even how you treat mother earth, they all have teachings, sacred rules and laws.”<sup>238</sup>*

Families First must reflect the identities of those who are affected by MMIWG. The diverse values, protocols and perspectives of affected Indigenous peoples must be accommodated.

*The Families First Process is grounded in the seven teachings:  
respect, love, truth, honesty, wisdom, humility and courage.*

Leaders should work together to establish consensus on how best to put these guiding principles into practice.

Directly related to these seven teachings is the principle of inclusion - no one should be excluded and no one should exclude themselves from Families First. Inclusiveness involves all families, communities, governments, non-governmental organizations and businesses. It is necessary to

- make everyone feel safe and welcome before, during and after the Process
- listen and understand each other “in our own languages”
- attribute equal weight to Indigenous and Canadian values
- involve women, men and two-spirit as they each have particular knowledge, experience, strengths and responsibilities
- respecting all religious and spiritual beliefs

Families First recognizes that:

- truth and justice are intertwined concepts<sup>239</sup>
- telling the truth and hearing the truth takes time
- different forms of truth telling must be accommodated

---

237 Note that for Australia's Royal Commission on Aboriginal Deaths in Custody, the Commissioners were directed to inquire into “any subsequent action taken in respect of each of those deaths including, but without limiting the generality of the foregoing, the conduct of coronial, police and other inquiries and any other things that were not done but ought to have been done”. In addition, they were given the authority to “take account of social, cultural and legal factors which, in your judgement, appear to have a bearing on those deaths.”

238 Joe Hyslop March 16 2015

239 In Anishinaabemowin, the word “*debwewin*” involves both truth and justice.

- each person's story is their own. Those stories can be shared but neither is more important than the other
- truth is not about blame but rather about taking responsibility and being accountable

## Legal Authority

Equal weight should be given to natural, spiritual laws and Canadian laws. Additional work is needed with the direction and guidance of Elders to create a natural and spiritual law framework for Families First.

*[...] the values and natural laws have been pushed aside and forgotten, not completely but not spoken of enough and perhaps if we look at those natural things given to us by creator, our traditions and customs of the past must be looked at but to know who we are to go into the future - 7 generations [...]*

## Families First Leaders Authorities

Leaders should be given sufficient authority to determine:

- how best to accomplish their mandate
- what is most appropriate given their schedules
- what types of legal authorities will be required to accomplish their work, for example - will subpoena powers for gathering evidence be needed

While the process should be led by the Families First Leaders, the responsibility of accomplishing the work must be shared. Federal, provincial, municipal, First Nation and Metis governments may be involved in the process in a number of ways:

- actively participate in the Family Answer Process as requested by Families First Leaders
- provide ongoing stable financial assistance for the process
- collaborate on the implementation of the immediate actions
- undertake any necessary legislative actions to assist with the process (i.e. If they are going to use subpoena's they need the legal authority)

## Gathering evidence

The process must involve various approaches to gathering evidence including: by person, regular mail, e-mail and by phone. Various forms and locations for gathering evidence must also be considered:

- larger and smaller forums
- Northern and Southern forums
- one on one engagement sessions
- engagement sessions in homes
- engagement sessions in communities centres, schools and churches etc

Various engagement formats and methods should be available to the participants. Such as:

- in schools, women's shelters, non-governmental organizations, band council offices, community halls, conference centres, hotels<sup>240</sup>
- televised Forums with open line call in<sup>241</sup>
- by phone<sup>242</sup>

---

240 RCAP consisted of three teams to cover the largest possible number of locations. They visited many types of locations in northern and remote communities and urban centres.

241 The Royal Commission on the Future conducted six CPAC Televised Forums with Health policy experts participating in moderated discussions of issues. RCAP also had toll-free telephone lines where Canadians could make their views known in one of five languages : Inuktitut, Cree, Ojibwa, French, and English.

242 The Royal Commission on the Future of Health Care in Canada allowed for submissions by phone.

- media/ social media
- Regional Forums
- dialogue sessions with various “experts”

There should be a mix of larger and smaller group meetings. Larger group meetings should be held in culturally appropriate ways. Sub streams of engagement may be required.

### **Administrative considerations**

The Families First Leaders should have offices in both Southern and Northern Manitoba. It should be adequately staffed with at least four members, including but not limited to a lawyer and a public liaison expert.

A website for Families First should be created, including accessible and up-to date information. It should also include a virtual library with background information on issues relating to MMIWG.<sup>243</sup>

### **Budget**

The Families First Process will require a significant annual budget. The funding provided should be sufficient and sustainable enough for Leaders to adequately perform their required tasks. Further discussions are needed to determine an appropriate budget.

### **Creating different streams of action**

As the issue of MMIWG is complex, Families First will require a number of “streams of action” to achieve its goals. As demonstrated by the diagram below, there are four main streams of action:

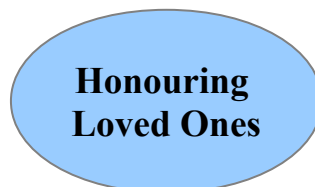
- Honouring Loved Ones
- Immediate Actions
- Research on Systemic Public Policy Issues
- Family Answer Process

One female and male Elder (along with two technicians) should be responsible for each of the four main areas of work. Each of the four areas of work form equal parts of the circle which come together as they are all related.

Ceremonies and supports are also an essential part of the Families First Process. The two youth representatives take the lead on education and awareness initiatives. Each of the streams of action are described below.

#### **1. Honouring Loved Ones**

“We should be bringing families together to remember and honour the legacy.”



The families expressed hope that the recommended process would honour their loved ones individually.

<sup>243</sup> The Advisory Panel on Open Government had a “virtual library” which was designed as an online searchable repository of published government of Canada documents of all kinds.

While honouring loved ones can involve multiple aspects, the central goal is to empower families to tell their own stories and determine how they would like to honour their loved ones.

According to Justice Sinclair

from experience with TRC, though there is a great deal of difficulty that is inherent in people coming forward and publicly talking about what they have experienced or learned as a result of hearing of what has happened to their relatives, there is still an inherent healing process that becomes engaged by that community participation because in my experience survivors who hear other survivors speak benefit from that and their ability to collectively share in the circles we created helped them to move forward.<sup>244</sup>

Leaders responsible for honouring loved ones should make all efforts to contact the families of Manitoba MMIWG. It was recommended by family members that where possible, contact should be made with families through existing service providers.

“Every family deserves to have their own case to be heard, because every family member lost their loved one who was dear to them.”

It is important to acknowledge experience and include all who feel called to share their stories. The experience of MMIWG is not limited to the experience of those who are missing or have been murdered. It is the experience of:

- all women who might be subject to violence
- families who have been affected (in the past, present or in the future), including families of missing and murdered boys, men and two-spirited individuals
- communities who have responsibility to protect women, families and individuals
- children
- partners
- those who feel helpless and
- those who want to help.

Various formats should be available for individuals and families to tell their stories. Those who are directed by the Leaders to listen and record the stories must make all efforts to meet with families where they feel most comfortable. Options should be made available to families to share their stories individually or in a group setting with others. Opportunities for sharing and healing circles must be made available to the families of MMIWG.

As stated by a Coalition member, “we should let them know we care for them, we love them, that they are safe.” Stories must be shared and validated with families before they are shared publicly.

Every experience is unique to the individual or collective (including families) that experience it. According to a MMIWG Coalition member, “we must give the families a sense of closure.” A variety of supports are required for families telling their stories to avoid re-traumatization.

Translators must be made available.

With permission and when appropriate, the stories and information should be preserved and shared and made available for current and future generations. An existing option for the Leaders to explore is keeping the information at the National Research Centre for Truth and Reconciliation. Alternatively, the Commission could propose a different way of archiving the information. Given the importance and magnitude of this issue, we believe it would be worthy of its own research centre with significant collaboration where appropriate with the National Research Centre for Truth and Reconciliation.

It is important to note that families and other affected individuals may also want to honour their loved

---

244 Inquiring Minds, February 11 2015

ones in different ways. For example, some families may chose to focus on feasts, walks and vigils rather than sharing their stories. Leaders should be flexible and open to receiving this information.

## 2. Immediate Actions

“I would like to see families' suggestions and recommendations become a reality.”



Leaders in charge of the immediate actions would assist in:

- identifying core immediate actions
- liaising with appropriate agencies to get a commitment to action
- following up and reporting back on progress
- seeking feedback from the families and others on the progress towards immediate action
- raising public awareness on immediate actions needed and continue to push for action.

As previously stated, families expressed concerns that the process would be too lengthy and costly and indicated that immediate action is needed. Based on what we have heard and past processes and initiatives, many of the immediate actions have already been identified. It must be remembered that the need for immediate actions does not exclude the need for systemic solution making.

The purpose of this review is not to blame particular governments or institutions for actions or inactions. Rather, the main focus is to present concrete action items while recognizing the important work that has already been done.

The following examples of immediate actions can be used by the Families First Leaders as a basis upon which to build.

### A. More Supports Needed for All

In engaging with families, it quickly became evident that additional supports are needed for all. Many different types of supports are needed : financial, emotional, spiritual, and religious. Supports must be available throughout Manitoba, including in remote communities.

There is also a need for coordinating existing supports. The Families First Foundation which is described later in the Report may be able to assist in the coordination of supports.

### B. Policing and Justice

Based on what we heard, it is clear that more frequent, 'gentle and quicker' communication and responses are needed by policing and justice agencies.

It is also clear that more information is needed about the roles and responsibilities of Policing agencies. During our engagement with families we heard many questions and doubts about the (in)actions of policing agencies. Better communication about these roles and responsibilities are needed to improve the relationship between the policing agencies and families of MMIWG.

“We need more legislation that holds RCMP and governments accountable.”

It is recommended that Families First Leaders explore the option of **enshrining in legislation a statutory**



**obligation to keep families informed.** This requirement would build upon the existing statutory obligations of policing agencies under *The Police Services Act* and the *Royal Canadian Mounted Police Act*. Under *The Police Services Act*, these statutory obligations include that the police chief is responsible for “the enforcement of law, the prevention of crime and the preservation of the public peace in the municipality.”<sup>245</sup> A police officer's duties include: “preserving the public peace”, “preventing crime and offences against the laws in force in the municipality”, “assisting victims of crime” and “apprehending criminals and others who may lawfully be taken into custody.”<sup>246</sup>

According to the *Royal Canadian Mounted Police Act*, an RCMP officer's duties include performing

all duties that are assigned to peace officers in relation to the preservation of the peace, the prevention of crime and of offences against the laws of Canada and the laws in force in any province in which they may be employed, and the apprehension of criminals and offenders and others who may be lawfully taken into custody.<sup>247</sup>

### **C. Coordinating existing research**

As one of their first tasks, the Families First Leaders in charge of immediate actions should begin by doing a 'state of affairs' of existing research to determine knowledge gaps. Assistance will likely be needed to cross reference data and research. This work should be coordinated with the research on systemic public policy issues.

### **D. Media and Cultural sensitivity**

A cultural sensitivity background information sheet should be prepared which outlines how families would like to be treated by the media. This information sheet could set the standard for all media and it could be published.

### **E. Language Programs**

As previously mentioned, the Elders unanimously agreed that language programs are a necessary component of solving the issue as there is “a direct relationship between language and identity.” Language programs for Cree, Anishinaabe, Oji-Cree, Dakota and Dene individuals should be created throughout Manitoba.

### **F. 24 Hours Safe Spaces Needed**

24 hour safe spaces should be created for at-risk youth throughout Manitoba.

### **G. Identifying responsible governments**

*“The process should identify what roles and responsibilities each government would have.”*<sup>248</sup>

As stated by Justice Sinclair, “an apology without a change in behaviour is meaningless and all levels of government need to admit their responsibility.”

Based on our review of recommendations relating to the issue of MMIWG, there are many governmental agencies responsible for implementing the proposed actions including: municipal, provincial and federal governments, Winnipeg Police Service and the RCMP. Some concerns and recommendations could be brought to existing municipal boards and committees such as the Winnipeg Police Board<sup>249</sup> and to the City

<sup>245</sup> Section 22(1) of *The Police Services Act*.

<sup>246</sup> *Ibid* at s 25.

<sup>247</sup> Section 18 of the *Royal Canadian Mounted Police Act*.

<sup>248</sup> Family, The Pas

<sup>249</sup> The Winnipeg Police Board is an oversight Board that includes city councillors, citizens, and provincial government representatives. Its mandate is to act as liaison between the community and the Winnipeg Police Service.

of Winnipeg Standing Committee on Protection and Community Services<sup>250</sup> and the Mayor's Indigenous Advisory Circle.<sup>251</sup>

Leaders responsible for immediate actions should coordinate research into identifying:

- who is responsible for each of the recommendations
- why has the recommendation not been implemented
- what is the cost of doing nothing
- compelling reasons for the responsible government or agency to implement the recommendation

These efforts should be made public and easily accessible to the families and all interested parties.

The approach may bring concrete immediate action, particularly given the apparent political will of the new mayor who has stated that he is “focused on what the city can do.”<sup>252</sup>

### 3. Public Policy Research on Systemic Long Term Issues

Residential schools, child welfare and missing and murdered women and girls are all tied together. Many of the children in and out of child welfare and the justice system move on to adult corrections. The pattern is clear to see. We have generations of adults in the correctional facilities across Canada who were once child welfare children and likely had family who attended residential school. Children, youth and adults have become institutionalized.<sup>253</sup>



Opponents of a public inquiry indicate that there exists sufficient information and research. They believe it is unlikely any new information could possibly be revealed through an inquiry. Yet families, Elders, youth, service providers, academics and the community at large continue to have questions which remain unanswered.

*“This is not an isolated issue. It is a complicated, inter-related series of issues. They all are important and all have to be addressed.”*<sup>254</sup>

*“We're not going to know until there is a complete investigation.”*<sup>255</sup>

Based on what we have heard, the following research topics could be explored:

#### A. Basic facts

---

<sup>250</sup> This Committee includes five City councillors and is chaired by Councillor Browaty.

<sup>251</sup> On June 22 2015, the Mayor announced the establishment of MIAC which is meant to advise on policies the City of Winnipeg can implement to continue to build awareness, bridges and understanding between the Aboriginal and non-Aboriginal community.

<sup>252</sup> Sheldon Birnie, “Here’s How Winnipeg’s Mayoral Candidates Feel About Aboriginal Issues” *Vice* (September 10 2014) online: Vice Media < [http://www.vice.com/en\\_ca/read/heres-how-winnipegs-mayoral-candidates-feel-about-aboriginal-issues-204](http://www.vice.com/en_ca/read/heres-how-winnipegs-mayoral-candidates-feel-about-aboriginal-issues-204) >.

<sup>253</sup> Morrisseau

<sup>254</sup> Scott

<sup>255</sup> Elder Wally Swain

- Why are the numbers growing?
- Who are doing these crimes?
- Who are the women and girls? Are they really all living “dangerous lifestyles” ?
- What about Indigenous men, boys, two-spirited and transgendered people?

#### B. Why is there so much lateral violence?

#### C. Root causes of sexual exploitation

- potential links to international sex trade should be studied
- links between sexual exploitation and involvement with street gangs

#### D. Interrelated factors

When thinking about concrete actions, it is important to have a comprehensive action plan which looks at the links between systems.<sup>256</sup>

- What are the links between poverty and MMIWG?
- What are the links between child welfare and MMIWG?<sup>257</sup>
- What are the links between the justice system and MMIWG?<sup>258</sup>
- What are the impacts of historical disruptions to culture and to the roles and value of men and women?
- What is the connection between Indian residential schools, its legacy and MMIWG?<sup>259</sup>
- What is the relationship between policing authorities and Aboriginal people?
- What is the relationship between loss of the Band Constable Program and safety in First Nations?
- What is the impact of movement between communities and from remote and rural communities to urban centres?

*“Those children grew up to be angry, sad and disconnected people striking out at the world and anyone and everyone in it. Unfortunately, the anger and violence is often mixed with addictions, isolation, being poor and without adequate education.”*<sup>260</sup>

---

#### 256 Spillett

257 The coalition indicated that the child welfare system needs to focus on supporting families, rather than apprehending children, as the current system operates “from a crisis approach with minimal to no prevention services.” There is also an issue with children and youth “aging out” of Child and Family Services (CFS), with a lack of transition programming available. The coalition found that, although there are lists of children involved with CFS who are turning eighteen, many have little to no resources available to them, and often end up involved with the justice system.

*“The child welfare system as well as the justice system is a huge industry... built on the backs of Indigenous people across Canada. The dollars spent to keep children in care would be better spent supporting families with prevention programs.”*

258 *“Aboriginal people are overrepresented in gangs, (the) justice system and child welfare. We need to deconstruct historical forces.” Coalition members indicated that in the justice system as well there needs to be a shift toward restorative justice practices, rather than incarceration. A lot of money is spent on incarceration that can be reallocated to a type of justice that works better. The vast majority of women in the Remand Centre are Indigenous and the women's jail is full to capacity. One coalition member stated that “studies have shown that as many as 44% of the MMIWG had a criminal history. If we had a more robust restorative justice program in Manitoba some of the issues may have been able to have been dealt with differently and more effectively.”*

259 Many coalition members indicated that there is a direct link between the lasting, inter-generational legacy of residential schools and the systemic issues which have led to the current MMIWG crisis. Many people are not aware of the history of their own families as they relate to residential schools, and are “seeing impacts, but have not made those links.” : Sjoberg. Much of the “trauma, degradation and abuses” residential school survivors experienced has not been properly dealt with, although the recently completed work of the Truth and Reconciliation Commission has made great strides to this effect. Many of the children “never experienced appropriate nurturing, love, care, respect, (or) a sense of value, and they had absolutely no voice. : Morrisseau

260 Morrisseau

#### E. Other jurisdictions

- Are the experiences of indigenous women and girls in other countries similar? (Australia, USA etc)

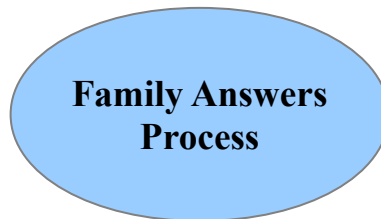
#### F. Impact of the current justice system and laws

- What is the rate of people getting caught?
- More people been prosecuted?
- More cases been solved?

Further engagement may be required to identify potential other areas requiring systemic solutions. Short summaries of the public policy research should be completed in plain language and made publicly available and accessible in a variety of methods.

### 4) Family Answers Process

“[We need to be] honouring each family individually, not just all at once.”  
“We must give each family a sense of closure.”<sup>261</sup>



Families have a lot of questions about their individual cases and investigations. The vast majority of those engaged agreed that each of the families deserve to have their individual stories told, their loved ones honoured and their questions answered. There is much information sharing and collaboration to be done between this stream of action and the process of honouring loved ones.

Many of the family members referred to the policing agencies keeping information confidential. As demonstrated by one of the family members - “Why do they [the investigators] keep everything such a secret.” The Family Answer Process would provide an opportunity for listening and understanding between families of MMIWG and policing agencies.

“We want more open conversations so that investigators, RCMP and police can better understand what families are going through.”

Two leaders would be responsible for the Family Answer Process. This Process will have varying levels of formality and will provide an opportunity for:

- families to receive answers to their questions
- better understanding of perspectives and responsibilities
- improving relationships
- more accountability
- closure for the families

A spectrum of methods will be available for the Family Answer Process. For example:

- Face to face conversation between families and agencies (policing, CFS etc) with written follow-up
- Written process with follow up face-to-face process if required
- Question process which may be conducted in ceremony

---

<sup>261</sup> MMIWG Coalition member.

- Legal court process

In order to encourage open and honest sharing of information as well as willingness to participate in the Process - Leaders should turn their minds to immunity for agencies, departments and individuals sharing information during the inquiries.

While the process of inquiring into each of the cases of missing and murdered indigenous women and girls seems onerous, Australia's Royal Commission on Aboriginal Deaths in Custody offers an important learning opportunity. In that case, inquiries were conducted into every one of the individual deaths in a "rigorous way." Inquiries into individual deaths were conducted under quasi-judicial conditions, with formal hearings at which interested parties (the family of the deceased, the State Government concerned, the Police and/or Prison Officers Union and individuals who may have been associated in some way with the death) were represented.<sup>262</sup>

A variety of options should be presented to the families on the locations of the Family Answer Process. In Australia's Royal Commission, outside of capital cities, hearings were never held in local court rooms. Where possible, Family Answer Processes should be conducted in the family's home community or in another appropriate location based on consensus and preference of the family.<sup>263</sup>

Families who wish to be represented by legal counsel should be provided with legal assistance.

The Families First Leaders should consider how to determine which of the families should have the opportunity to have the individual case inquired into first. One approach could be to start with the cold cases.

## Ceremonies & Supports

### A Variety of Supports Needed

"I still have a hard time living with the pain [...] every day I wonder where she is and where her body is [...] not knowing hurts the most."

"We should let [families] know that we care for them, that they are safe."<sup>264</sup>

Recognizing the diversity of families, a wide variety of spiritual, religious, psychological, social and financial supports are needed. Families have identified a need for a variety of avenues for support, meaning that one-on-one supports are equally as important and needed as peer support groups. Support networks must be made available to families across Manitoba - in remote, rural and urban areas. An important distinction in identifying the required supports is to consider that families of missing women and girls have separate needs and require different supports than the families of murdered women and girls. Families have stated that the process should recognize that each family is at different places in their healing journeys.

*"Counselling will be needed in this process, based on who we are" and "we have to respect where the person is at."*<sup>265</sup>

The trauma families and communities are experiencing relating to MMIWG is both historical and current.

---

<sup>262</sup> National Report

<sup>263</sup> In Australia's Royal Commission... generally inquiries were held in the town where the death occurred. This meant the hearings were held in locations all over the State from Halls Creek and Broome in the north to Wiluna and Kalgoorlie in the east.

<sup>264</sup> MMIWG Coalition member.

<sup>265</sup> Engagement with the families.

*“It’s not that we are crazy, it’s that we are traumatized – our loss of language, our families are being separated and our community is divided.”*<sup>266</sup>

The act of telling and re-telling stories can be re-traumatizing. The loss of privacy inherent in story telling may also be traumatizing. Families First must strive to “meet people where they are most comfortable” by offering a wide variety of supports. It is necessary to create safe and supportive environments for families and other community members who participate in Families First. As stated by Elder Wally Swain, “things must be done in a gentle way.”

*“We must consider mental health concerns and trauma”*<sup>267</sup>

As some of the supports are already being provided by non-governmental and governmental organizations and institutions, additional funding is required to expand their scope and breadth of activities.

Some of the families indicated they wanted to be provided with training opportunities to be able to provide supports to others. “Train people in the community to do work – those who are directly affected.” “Each of us have our own gifts and roles and responsibilities within our communities.”

A “dedicated family liaison” staff person should be chosen who can follow up with the families at all points of the process.<sup>268</sup> This person should be trained to assist families from the moment their loved one goes missing. The persons would be available for both information gathering and information dissemination,<sup>269</sup> and their contact information would be easily accessible. They would also be available to help the families and communities answer questions.

An important part of this work could be done through the creation of Healing Centres for families of MMIWG in both rural and urban areas. Families should be provided with the opportunity to be trained and employed in these centres if they wish. Some of the family members have indicated they are at a place in their healing journey where they feel as though they are ready to help others. Families are well positioned to understand the situation and needs of the other families given their personal experiences.

Training manuals should be prepared in collaboration with AMC, SCO and MKO for all those directly involved in working with families throughout the process. Consideration should be given to training for “statement takers” who would be going to meet with families in their homes and communities.<sup>270</sup>

There are benefits to hiring staff from the affected communities, including that trust will already be developed between staff and participants. Also, staff directly in the communities may lessen language barriers. As pointed out by Keely Ten Fingers “[o]ur traditional language captures emotions, relationships, our spirituality and worldview, which cannot be captured and conveyed in any other language.”<sup>271</sup>

### **Financial Supports are also needed**

As stated by one family member and echoed by many, “the cost of finding a missing person [is high].” The families indicated they would like a fund to be created for the families of MMIWG for:

- children of MMIWG

---

266 Elder Lathlin

267 MMIWG Coalition member

268 Pearce, *supra* note 18 at 419.

269 Gender, *supra* note 211 at 21.

270 Recommendation 19 of Blueprint, *supra* note 167 at p 9, found that created approaches to collecting evidence should be explored such as trained statement-takers to ensure that witnesses are able to share their information completely.

271 Ten Fingers, Keely, “Rejecting, Revitalizing, and Reclaiming: First Nations Work to Set the Direction of Research and Policy Development” (2005) 96 Canadian Journal of Public Health 60 at 62.

- funeral costs and ways to honour loved ones
- travel costs for families
- posters, food and gas for those assisting with searches
- families of missing women and girls who are searching for their loved ones
- honorariums and gift certificates for community members who help the families in various ways (whether it be through child minding or providing food). As stated by a member of the MMIWG Coalition, “volunteerism is good, but people need to eat too.”

### **Families First Foundation**

It is anticipated that there will be significant collaboration between the Families First Leaders and the Families First Foundation.

The Families First Foundation was established in May 2015.<sup>272</sup> It is informed by engagement with families, Elders, Youth and the MMIWG Coalition. While AMC was crucial to the establishment of the Foundation, it has been created as a separate legal entity with a Board of Directors.

The Board of Directors of the Foundation is comprised of:

- two nominees from the Assembly of Manitoba Chiefs First Nations Women's Committee, with one representing Northern Manitoba and one representing Southern Manitoba
- one female Elder
- one male Elder
- three nominees representing families of missing and murdered Indigenous women and girls and
- two nominees from the MMIWG Coalition

The purpose of the Foundation is:

- To educate the public on the needs of families of missing and murdered indigenous women and girls
- To provide and coordinate the delivery of religious, spiritual, emotional, cultural, and financial support to families of missing and murdered indigenous women and girls
- To provide and coordinate the delivery of translation services, media liaison services, and independent legal advice to families of missing and murdered indigenous women and girls
- To provide and coordinate the delivery of community-based mentorship, counselling services, and child-minding services to families of missing and murdered indigenous women and girls
- To provide communication services for the delivery of information to and from families of missing and murdered indigenous women and girls and
- To undertake activities ancillary and incidental to the above-mentioned purposes in a manner that the law regards as charitable.

A website for the Families First Foundation has already been created.<sup>273</sup>

### **Ceremonies**

Ceremonies and supports are an integral part of the Families First Process. Ceremonies were described by many as an integral part of the healing process.

*“We would not be having this same conversation about MMIWG if Indigenous people still had their ceremonies, teachings and songs.”*<sup>274</sup>

---

<sup>272</sup> See Appendix I: Articles of Incorporation of Families First Foundation.

<sup>273</sup> [www.familiesfirstfoundation.ca](http://www.familiesfirstfoundation.ca)

<sup>274</sup> Morrisseau

The coalition identified that much of the major issues surrounding MMIWG can be traced to cultural disconnection. Some of this can be addressed by creating space for Indigenous people to reconnect with the culture they have lost.

*“songs and prayers [...] give us a sense of where we come from.”* <sup>275</sup>

As discussed, there has been a lot of trauma experienced by Indigenous people, and many unresolved issues. Addictions were described as rampant, along with the prevalence of missing and murdered Indigenous women and girls. According to the coalition, both women and men have suffered a loss of cultural roles, the result of which has been that women have been left vulnerable and under-supported, while men have been left angry and unsupported.

*“The big thing missing is healing... Healing is happening, but it is under-invested. Addictions, mental health, trauma. There's not like... Before you can get any good work done with people, you have to heal.”* <sup>276</sup>

The coalition made it clear that the “western ways” of healing are not adequate to address the issues facing the Indigenous community, and that Indigenous methods of healing should be utilized. This healing will take time.

*“No nation can heal overnight. How long does it take the human spirit to heal?”* <sup>277</sup>

Another coalition member explained that “people are thirsty for an understanding of their own heritage.” <sup>278</sup> They indicated that much of the necessary healing should occur through cultural reconnection.

*It is time for indigenous people to retrace the footprints of the ancestors and pick up the sacred bundles; revive and speak our languages; sing our sacred songs; revive the ceremonies and teachings that long sustained the people prior to contact with the Settler people. Women were honoured and respected for they are the life carriers. The connection to the earth and water was always there. The earth is our mother and as she brings forth life so do women.* <sup>279</sup>

Many coalition members felt very strongly about the necessity of ceremonies, such as naming ceremonies, berry fasts, and moon ceremonies as it “provides grounding.” <sup>280</sup> It was indicated that the “grandmother's role was to teach the women through ceremony and teachings about who they really are” and that ceremonies which focus on women “bring her into a place of power, and to know her role in the community.” <sup>281</sup>

*“Our way is to see the spirit of woman. It's about her heart, spirit, wisdom she carries that and she will give it to her children. Spirituality and connection to earth mother, grandmother moon and the connection to time.”* <sup>282</sup>

*“If you're an Indigenous person, no matter what darkness is inside of you, there's a spirit. There are times you might not recognize that because your mind is in a dark place, but inside you're still sacred no matter what.”* <sup>283</sup>

---

275 Elder Harry Bone, March 16 2015

276 Mahmood

277 Elder Campbell

278 Sjoberg

279 Morriveau

280 Morriveau

281 Elder Campbell

282 Elder Campbell

283 Elder Campbell



## Education and Awareness

*“Tradition is altered by the very fact of trying to understand it.”*

*“It's my belief that our greatest enemy is ignorance. Not truly knowing each other. Not truly working with each other. As long as we stay apart, and we build up barriers and put up walls, how can anything change?”*<sup>284</sup>

All the individuals and groups engaged identified the need to focus on the positive. The Families First Process involves education and awareness which should be led by the two youth representatives on the Families First Leaders. The youth representatives should be paired with technicians to assist.

One of the things most frequently mentioned by the coalition was the need to ensure that more people are aware of the issue of MMIWG. It was recognized that the “We Care” campaign was successful in raising awareness and more similar efforts are needed.

The Families First Foundation may be used as a communication vehicle to get the word out and will lead to increased awareness.<sup>285</sup> The coalition indicated that “the momentum has to include the non-Indigenous voice”<sup>286</sup> as well, as “with reconciliation, you have to come together.”<sup>287</sup>

As stated by one youth, “there must be opportunities for Indigenous people to celebrate their identity and culture, and to not only reflect on the challenges Indigenous people face, but focus on the good.”

It is necessary to engage the broader audience in the education and awareness efforts. The representative from one organization indicated that, as a non-First Nation organization they “have strengths and weaknesses,” and also stated that “some people ask why we are involving ourselves.” That coalition member explained that “this is not a First Nation issue, it's a Canadian issue.”<sup>288</sup>

*“The most important thing is protecting women now. Making sure that no more women go missing or are murdered.”*<sup>289</sup>

Some coalition members indicated that some prevention work is happening with youth, including mentorship and violence prevention programs, as well as community safety audits, and looking at communities through a crime prevention lens. In some areas of the city residents are trained to identify areas of low lighting, or broken fences, as well as to recognize places where condoms or needles are present so these may be addressed. Community safety committees, made of residents, have been created to address concerns, while looking for local solutions to community problems.

There are also barriers in engaging in awareness campaigns. According to one coalition member, recent changes to municipal by-laws in Winnipeg have resulted in difficulties with organizing walks along roadways. A group must now be partnered with an organization that has existing liability insurance, that will off-set the costs associated with any promotional event. This increases the time involved in organizing a walk, and weakens the immediacy of the action, which is one of the goals of “taking to the streets.”<sup>290</sup>

Public Awareness and education could be conducted on:

---

284 Johnston

285 Scott

286 Scott

287 Scott

288 Kehler

289 Mahmood

290 Campbell

#### a) History of Indigenous people in Canada

- “The history that says that we are savages is not so. That has to be addressed also in this process – the way Indigenous people are portrayed.”<sup>291</sup>
- “The true history of this country has to be taught in the schools. The general public needs to learn the story of residential schools and understand that seven generations have gone through the residential schools. The result of this has been genocide for the First People of Turtle Island. Today, we continue to witness the disparity and isolation for many survivors and their children and grandchildren.”<sup>292</sup>

#### b) Cultural and spiritual knowledge

- “[W]e already have a way of doing something – you have a clan and its part of your sovereignty; the clan mothers are law of this land, then treaties then Canadian law... When we relearn who we are under the clan system, you will see the difference; the first principle of respect (yourself, others, all of creation, where life comes from – the East) and why are we not teaching kids that; lets reverse what RS did to us; push the English language away; speak our language for 1 day, a week; I struggle with the language, but try to speak it; get shy too but I do try and learning the good words.”<sup>293</sup>

#### c) Traditional roles of women and men

- “There is a big issue with devaluing of Aboriginal women.”
- “Our men are sick because of the brainwashing, loss of identity and language – colonizers have no respect for anything – that is not how we are as Aboriginal peoples.”
- “It is a lot of our men who are hurting our women; there is something wrong with doing that and I know there are other cultures hurting their women too.”<sup>294</sup>
- “There is a lot of abuse at the local community level, leads to wife abuse, prostitution; drug abusers is a symptom of something else; I too had struggles and abuses; important things to be done.”<sup>295</sup>

#### d) Safety issues

- “We need to teach our daughters personal safety before things happen.”<sup>296</sup>
- “We need to teach them to watch out for one another.”

#### e) Information on how to transition from rural and remote communities to urban centres

- “We need to prepare our kids for when they leave our communities... when they leave our communities, we have to give advice to our youth to make sure they are safe.” “One thing that I recall is that I wasn't prepared to leave my community.”

#### f) Anti-racism

---

291 Elder Lathlin.

292 Morrisseau

293 Elder Peter Atkinson, March 16 2015

294 Elder Mary Maytwayashing, March 16 2015

295 Elder Wayne Scott, March 16,2015

296 Family member from The Pas.

- *“The more (the non-Indigenous community) can be exposed to Indigenous culture, and beauty, they come away with respect. Some of this racial stereotyping can change.”*<sup>297</sup>
- *“To prevent women from being one of the missing or murdered, everyone needs to undergo decolonization training and anti-racism.”*<sup>298</sup>
- *“We should talk openly about stereotypes to civil society as a whole.”*

#### **g) Positive news reporting and media**

- *“Unfortunately media has a tendency to label many of the women as “prostitutes, working girls” who lived “risky lifestyles.” This is like saying; well if they did not live a risky life style, they wouldn’t go missing or (get) murdered!! This is simply racism against people who are often marginalized, poor and suffer from historical trauma.”*<sup>299</sup>

#### **Methods**

- Open community forums throughout Manitoba, that meet on a more regular basis, to enable people to talk to each other, and share their vision for their communities
- Talks in schools, community organizations etc. hosted by youth

*“I think we all have a responsibility to educate one another, and to teach our children about acceptance of people and other cultures. Every culture has something to contribute. People have value.”*<sup>300</sup>

It will be important for the Leaders to identify potential areas of collaboration with other awareness campaigns such as the one launched by Manitoba’s Action Group on Exploited and Vulnerable Women.

### **Moving Forward**

*“We must shine a light in the shadows and ensure the focus is not lost.”*

Based on what we know, the Families First process marks the first time a process addressing such a complex issue is created based on the direction of those who are affected. The voices of families of MMIWG, Elders, youth and the MMIWG Coalition is reflected throughout the proposed framework.

The Families First process is a made-in-Manitoba approach to addressing the issue of missing and murdered Indigenous women and girls both on an individual and systemic basis. It seeks to address the concerns that any process for action would be too lengthy and costly by proposing both immediate and systemic long term actions.

#### **Implementation strategy**

A clear implementation strategy is needed to move forward on the Families First process. Additional engagement is required to continue to define the process as well as collaborate and coordinate with existing efforts at the local and national levels.<sup>301</sup>

---

297 Scott

298 Sjoberg

299 Morrisseau

300 Morrisseau

301 The Province of Manitoba has recently agreed to host the second national roundtable on MMIWG. Engagement is needed with the province to determine if and how potential collaboration can be made with the Families First process. The Province should be reminded of the AFN Resolution no. 37/2014 which recognizes that a one day roundtable is not

Significant engagement will be required to continue defining the Families First Process and its implementation plan. The table below proposes some preliminary considerations for an implementation plan to move forward.

*“Research is a relationship based on respect, and it takes time to build trust.”*

Who	What	When	Notes
Assembly of Manitoba Chiefs	Engage families, Elders, MMIWG Coalition and Youth on 1) proposed Process and Terms of Reference Engagement and 2) the indicators of a successful process.	July 2015-September 2015	There is no precedent in Manitoba or in Canada for creating a process like the one proposed. Models from other jurisdictions - notably the Royal Commission on Australian Deaths in Custody model- create Orders in Council to implement the process. This Australian Commission also serves as a model for regional processes to be linked at the national level. Alternatives should be explored for Families First to be replicated in other Canadian jurisdictions and linked at the national level.
AMC Elders Council and other Elders as recommended	Discuss potential natural and spiritual law considerations for the Family First Terms of Reference	August 2015 onwards	
Assembly of Manitoba Chiefs	Engage legal counsel to conduct research and engage with key knowledge holders on setting out a legal mechanism within which the proposed process can operate.	August 2015-January 2016	
Assembly of Manitoba Chiefs	Engage broadly on Proposed Process including with: <ul style="list-style-type: none"> <li>• additional families of MMIWG</li> <li>• families of missing and murdered indigenous men, boys, transgendered and two-spirited individuals</li> <li>• additional Elders</li> <li>• additional service providers</li> <li>• interested academia</li> <li>• senior levels of government</li> <li>• Policing agencies - RCMP</li> </ul>	August 2015 onwards	

enough. It also says that “any process including a national roundtable or inquiry must listen and hear the voices of the families of MMNIWG, adequately support the families and communities in their healing journey, and honour the MMIW. : <http://globalnews.ca/news/2114030/manitoba-offers-to-host-roundtable-on-missing-murdered-women/>

	<ul style="list-style-type: none"> <li>• and Winnipeg Police Service</li> <li>• First Nation, Metis, Municipal, Provincial and Federal governments</li> <li>• Corporate Canada</li> <li>• other interested individuals and groups</li> </ul>		
Assembly of Manitoba Chiefs	Identify budget and funding resources	August 2015 onwards	
The Assembly of Manitoba Chiefs, Southern Chiefs Organization and Manitoba Keewatinowi Okimakanak	Organize broad engagement on identification of Families First Leaders	August 2015-January 2016	
Assembly of Manitoba Chiefs and the MMIWG Coalition	Identify an Implementation Committee tasked with monitoring the actions and results of the Families First Leaders and Process.	August 2015 onwards	
Dr. John Loxley and Marina Puzyreva of the Manitoba Research Alliance	Phase Two of the Cost of Doing Nothing Research, including interviews with families	August 2015 onwards	
Assembly of Manitoba Chiefs	Announcement of Families First Leaders	February 2016	
Families First Leaders	Identify implementation strategy and required actions to complete proposed work		

Families First provides a means of moving forward so that history does not repeat itself. It is a necessary step in the process of healing and reconciliation.