

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

I. BACKGROUND

On August 3, 2016 the Government of Canada appointed four commissioners and announced the terms of reference for a National Inquiry into Missing and Murdered Indigenous Women and Girls.

The Inquiry's job was to look into and report on the systemic causes of all forms of violence against Indigenous women and girls, including underlying social, economic, cultural, institutional, and historical causes.

The terms of reference also directed the Inquiry to look into and report on existing institutional policies and practices to address violence, including those that are effective in reducing violence and increasing safety.

The Inquiry held hearings across the country. Approximately 2,380 people in total participated in the fact-gathering process, including 738 family members and survivors of violence and 84 experts, elders, and knowledge keepers, all of whom appeared in person at Inquiry hearings. 750 people also shared their stories through written statements.

The Inquiry issued its Final Report on June 3, 2019.

II. FINDINGS

The Inquiry found that the excessively high levels of violence experienced by Indigenous women, girls, and Two Spirit/LGBTQ+ persons across Canada is the result of a race-based genocide of Indigenous Peoples, which particularly targets women, girls, and Two Spirit/LGBTQ+ people.

This genocide has resulted from colonialism, exemplified in Canada by the loss of Indigenous lands, mandatory relocation, residential schools, forced sterilization, the break-down of family units and the apprehension of children (e.g. the Sixties Scoop), and the passage and enforcement of the *Indian Act*.

While colonization affected all Indigenous Peoples, it affected Indigenous women, children and Two Spirit/LGBTQ+ people in distinct and gendered ways:

- By challenging Indigenous women's leadership and Indigenous notions of gender;
- By tying an Indigenous woman's status as Indigenous to her husband through the *Indian Act*; and
- By creating and then perpetuating the stereotype of Indigenous women as "a menace" to society and/or as prostitutes.

Canadian policies and social beliefs have put Indigenous women, girls and Two Spirit/LGBTQ+ people at greater risk of violence through:

(a) Social and economic marginalization

Indigenous Peoples experience poverty, homelessness, food insecurity, unemployment, and barriers to education and employment at significantly higher rates than non-Indigenous people as a result of our colonial system. And Indigenous women, girls, and Two Spirit/LGBTQ+ persons have rates even higher than those faced by Indigenous men and boys. The difficulty Indigenous women have meeting their basic needs means they are at a much higher risk of being targeted for violence.

(b) Maintenance of “the status quo” and the absence of institutional will

Indigenous women, girls, and Two Spirit/LGBTQ+ persons experience racist, sexist, and other discrimination (up to and including violence) when dealing with systems and institutions (like child welfare, justice, health care, police, schools and universities). As a result, they stop trusting such institutions to work on their behalf and stop using them, leaving them at even greater risk of violence.

Those testifying before the Inquiry also pointed out that a blatant lack of moral and political will for real change contributes to the violence they and their loved ones experienced. They cited the lack of concrete action taken despite the many well-known recommendations of past government commissions, advocates, and community organizations as evidence of this.

(c) Ignoring the ability and expertise of Indigenous women, girls, and Two Spirit/LGBTQ+ people

The Inquiry found that by denying the experiences, knowledge and agency of Indigenous women, girls and Two Spirit/LGBTQ+ people, government and other institutions helped perpetuate the violence against them:

“The denial of the wisdom, knowledge, and expertise of Indigenous women, girls, and 2SLGBTQIA happens in many different ways. This may be through the media’s depiction of a survivor in ways that erase her many accomplishments and focus on her “risky lifestyle”, or through bureaucratic policies that deny funding to Indigenous women’s organizations, or through a general belief that an Indigenous woman living in poverty cannot be the most powerful or insightful voice on a committee for change.”

III. SOLUTIONS

To eliminate the root causes of violence against Indigenous women, girls and Two Spirit/LGBTQ+ people, the Inquiry focused on action to safeguard their right to culture, health, security and justice.

(a) Right to Culture

The Inquiry found:

- Indigenous women, girls, and Two Spirit/LGBTQ+ persons have been and continue to be denied their right to learn, practice and develop their own cultures due to colonialism, racism, sexism, transphobia, homophobia, and misogyny.
- The transmission of cultural knowledge from one generation to the next has been broken or damaged because policies of the Canadian state, primarily the *Indian Act*, have been designed to oppress and assimilate Indigenous Peoples.
- In particular, the registration provisions of the *Indian Act* are discriminatory towards women and their descendants. The laws and policies that exclude Indigenous women's citizenship within their Nations or communities based on marriage or gender have largely contributed to the loss of culture and poor socio-economic outcomes for Indigenous women. The gendered discrimination in the *Indian Act* has disenfranchised women from their communities, broken up families, and caused great disparity in rights and benefits between First Nations men and women.

In response, the Inquiry called for all governments to do the following:

- Recognize Indigenous languages as official languages with the same status and protection as French and English.
- Provide safe, permanent, and meaningful access for Indigenous women, girls and Two Spirit/LGBTQ+ people to their cultures and languages in order to restore, reclaim and revitalize cultures and identity.
- Create a permanent empowerment fund to support Indigenous-led initiatives to preserve and access cultural knowledge, support cultural rights, and uphold self-determined services.
- Eliminate discriminatory provisions from the *Indian Act*.

(b) Right to Health

The Inquiry found:

- Canada has failed to meet the health and wellness needs of Indigenous women, girls, and Two Spirit/LGBTQ+ persons, and has failed to ensure that Indigenous women have the same level of access to services and resources as non-Indigenous people. Current health and welfare services are grossly lacking and often inappropriate and inaccessible. This contributes

directly to the lack of safety and the increased violence experienced by Indigenous women, girls and Two Spirit/LGBTQ+ persons.

- Services for Indigenous women, girls, and Two Spirit/LGBTQ+ people are largely designed and delivered by non-Indigenous people. Efforts to train, hire and retain Indigenous health and wellness service-providers have been inadequate, due to systemic barriers within educational institutions and due to challenges in delivering culturally appropriate services. As a result, in some locations, service-providers do not speak the local language and/or have inadequate knowledge of the culture.
- There are not enough financial supports and sustainable funding models to encourage Indigenous individuals to enter health and wellness fields. Existing services fail to encourage Indigenous health-care professionals to work within urban, rural, remote and northern communities. The result is high turnover in staffing and lack of continuity of care.
- Gaps in infrastructure and services mean women, girls, and Two Spirit/LGBTQ+ persons must leave their communities to obtain essential services, including leaving their communities to give birth. This relocation removes women, girls and Two Spirit/LGBTQ+ people from the safety net of their communities and their families. Relocation often involves travelling alone, and being housed or placed in culturally and physically unsafe environments.

In response, the Inquiry called for all governments to do the following:

- Provide adequate, stable and equitable funding for Indigenous-centred and community-based health and wellness services, including mobile trauma and addictions-recovery teams, and culturally competent and responsive crisis-response teams.
- Provide continual and accessible healing programs and support for all children of missing and murdered Indigenous women, girls, and Two Spirit/LGBTQ+ people and their family members.

(c) Right to Security

The Inquiry found:

- Canada has caused Indigenous women, girls and Two Spirit/LGBTQ+ persons to be removed from their homelands, families and communities. They experience disproportionately high rates of poverty and insurmountable barriers to obtaining secure housing, food, education, employment, transportation, and other basic needs. Marginalization and exclusion decrease safety and increase the risk of violence, and often

force Indigenous women, girls, and Two Spirit/LGBTQ+ persons to be or remain in violent and unsafe situations in an attempt to have their basic needs met.

- In order to resist this marginalization and to survive, many Indigenous women, girls and Two Spirit/LGBTQ+ people turn to the sex industry, remain in violent relationships, or join gangs. This further marginalizes and endangers them.
- Indigenous women, girls, and Two Spirit/LGBTQ+ people experience extreme rates of overcrowding, homelessness and unemployment, and low rates of educational achievement. These factors are significant contributors to violence.
- Existing social and economic services for Indigenous women, girls and Two Spirit/LGBTQ+ people are often plagued by huge gaps in resources and infrastructure. Further, such services are often placed in unsafe areas, and are not culturally appropriate, thereby perpetuating a lack of safety and security.

In response, the Inquiry called on all governments to do the following:

- Immediately ensure that Indigenous Peoples have access to safe housing, clean drinking water, and adequate food.
- Support programs and services to promote the safety of Indigenous women, girls and Two Spirit/LGBTQ+ people in the sex industry. These programs and services must be designed and delivered in partnership with people with lived experience in the sex industry.
- Provide support and resources for educational, training, and employment opportunities for Indigenous women, girls, and Two Spirit/LGBTQ+ people.
- Build new housing and maintain existing housing to meet the housing needs of Indigenous women, girls and Two Spirit/ LGBTQ+ people.
- Support and provide long-term sustainable funding for Indigenous-led low-barrier shelters, safe spaces, transition homes, second-stage housing, and services for Indigenous women, girls and Two/Spirit LGBTQ+ peoples who are homeless, near homeless, dealing with food insecurity, or in poverty, and who are fleeing violence or have been subjected to sexualized violence and exploitation.
- Create adequate plans and funding for safe and affordable transition and transportation and infrastructure for Indigenous women, girls and Two Spirit/LGBTQ+ people living in remote or rural communities.

(d) Right to Justice

The Inquiry found:

- The Canadian justice system is based on settler-colonial society's values, beliefs, laws and policies. The system fails to include Indigenous concepts of justice, has been imposed on Indigenous People, and has oppressed and replaced the Indigenous justice systems that served Indigenous communities effectively for hundreds of years.
- The Government of Canada has used the RCMP and its predecessors to enforce discriminatory laws and policies designed to eliminate Indigenous Peoples. Today, the RCMP must still enforce discriminatory and oppressive legislation and policies in areas such as child welfare and land and resource disputes.
- The historic and present-day role of the RCMP, and the continued racism and sexism many RCMP officers direct at Indigenous Peoples, has caused Indigenous communities, and, in particular, Indigenous women, girls and Two Spirit/LGBTQ+ people to lose confidence in the Canadian justice system, the RCMP, and police services in general. This has increased the risk of violence against them.
- The Canadian criminal justice system fails to provide justice for Indigenous women, girls, and Two Spirit/LGBTQ+ people. It fails to hold perpetrators accountable and minimizes the nature and severity of violent offences against them.
- When the Canadian justice system can offer meaningful recourse, it is inaccessible for many Indigenous women, girls and Two Spirit/LGBTQ+ people, due to geographical isolation, cost, language and other barriers, and lack of legal services.
- Indigenous women, girls and Two Spirit/LGBTQ+ people continue to have excessively high rates of incarceration, and those rates are increasing.

In response, the Inquiry called for government to do the following:

- Immediately and dramatically transform Indigenous policing by replacing the federal First Nations Policing Program with a new legislative and funding framework, consistent with international and domestic policing best practices and standards, including a civilian oversight body to audit services and investigate claims of police misconduct, with representation from Indigenous women, girls and Two Spirit/LGBTQ+ people.
- Fund policing services in remote and northern Indigenous communities in a manner that ensures the safety and justice needs of the communities are met and the quality of policing services is equitable to that provided to non-Indigenous Canadians.

- Develop an enhanced, comprehensive approach to provide support to Indigenous victims of crime and to the families and friends of Indigenous murdered and missing persons.
- Recruit and retain more Indigenous justices of the peace and increase Indigenous representation in all Canadian courts, including within the Supreme Court of Canada.
- Consider violence against Indigenous women, girls and Two Spirit/LGBTQ+ people as an aggravating factor in sentencing.

IV. FURTHER CALLS/RECOMMENDATIONS

In total, the Inquiry made 231 Calls for Justice designed to protect, end violence, and promote the substantive equality of Indigenous women, girls, and Two Spirit/LGBTQ+ people. The recommendations set out above are just a few. Other calls include:

Calls to Governments:

- Develop and implement a National Action Plan to address violence against Indigenous women, girls and Two Spirit/LGBTQ+ people which would include equitable access to basic rights such as employment, housing, education, safety, and health care.
- Immediately implement and fully comply with International Human Rights Conventions which safeguard and promote the rights of Indigenous women, girls and Two Spirit/LGBTQ+ peoples. To this end, establish a National Indigenous and Human Rights Ombudsperson and Tribunal to conduct thorough and independent evaluations of government services for Indigenous Peoples to determine compliance with human and Indigenous rights laws.
- Recognize Indigenous jurisdiction over child welfare. This includes transforming child-welfare systems so that Indigenous communities have control over the design and delivery of services for their families, and prohibiting apprehension of children on the basis of poverty or cultural bias. Ensure that the children of murdered or missing Indigenous women, girls, and Two Spirit/LGBTQ+ people can be raised by family members in their communities.
- Immediately adopt the Canadian Human Rights Tribunal standards for implementing Jordan's Principle in relation to Indigenous children. This includes modifying funding formulas for the provision of services on a needs basis, to promote family support, reunification, and prevention of harm. Funding levels must represent the principle of "substantive equality".

- Establish a National Task Force of independent, highly qualified, and specialized investigators to review, and, if required, reinvestigate each unresolved case of missing and murdered Indigenous women, girls, and Two Spirit/LGBTQ+ people across Canada.
- Take urgent and special measures to ensure Indigenous women, girls and Two Spirit/LGBTQ+ people are represented in governance.
- Develop laws, policies, and public-education campaigns to challenge the acceptance and normalization of violence.

Calls to Educators:

- Educate the public about missing and murdered Indigenous women, girls, and Two Spirit/LGBTQ+ people, and the issues and root causes of the violence they experience. Develop and deliver curriculum in partnership with Indigenous women, girls, and Two Spirit/LGBTQ+ people.

Calls for Extractive and Development Industries:

- Consider the safety and security of Indigenous women, girls and Two Spirit/LGBTQ+ people, as well as their equitable benefit from development, at all stages of project planning, assessment, implementation, management and monitoring.
- Complete gender-based socio-economic impact assessments on all proposed projects as part of decision-making and ongoing monitoring of projects. Plan how to mitigate the risks and impacts identified in the impact assessment prior to project approval.
- Impact benefits agreements related to resource-extraction and development projects should include provisions that address the impacts on the safety and security of Indigenous women, girls, and Two Spirit/LGBTQ+ people. This includes ensuring that social infrastructure and services in host communities (particularly in the areas of policing, social services and health services) are built or expanded to meet anticipated needs before projects begin.

Calls for All Canadians:

- Speak out against violence against Indigenous women, girls and Two Spirit/ LGBTQ+ peoples.
- Learn the true history of Canada and Indigenous history. Celebrate Indigenous Peoples' history, cultures, pride, and diversity. Acknowledge the land you live on and its importance to local Indigenous communities, both historically and today.

- Develop knowledge and read the *Final Report*.
- Become a strong ally.
- Speak out against racism, sexism, ignorance, homophobia, and transphobia, and teach or encourage others to do the same, in your home, in your workplace, or in social settings.
- Protect, support and promote the safety of women, girls, and Two Spirit/LGBTQ+ people by acknowledging and respecting them and their right to determine their own solutions.
- Hold all governments accountable to act on the Calls for Justice and to implement them according to the principles set out in the *Final Report*.