

## Facts about MMIW

- 1) More than a quarter of all cases occur in British Columbia, followed by Alberta with 16% of the cases.
- 2) 70% disappear from an urban area.
- 3) 62% of disappearances are murder cases.
- 4) 59% of the women died in a residential dwelling.
- 5) Out of 110 families surveyed, the average rating of police response was 2.8 out of 10.
- 6) 60% of women lived in high risk circumstances—i.e. excessive drug/alcohol use, hitchhiking & sex work.
- 7) Indigenous women and girls are more likely to be killed by a stranger than are non-Indigenous women. Almost 17% of those charged were strangers to the victims.
- 8) 60% of the 3,000 women who have gone missing in Canada since 1980 are Indigenous.
- 9) Approximately 66% of the official MMIW cases are murders and 33% are unsolved disappearances.
- 10) Roughly half of the cases have occurred since the year 2000.
- 11) 60% of known perpetrators are white men.
- 12) 90% of teenage, urban sex workers are Indigenous.
- 13) 75% of Indigenous girls under 18 have been sexually assaulted.
- 14) Indigenous women make up 3% of the Canadian population and 30% of the female prison population.
- 15) The Native Women's Association of Canada says that 88% of the women in their database were mothers.

### Inquiry Mandate

The commissioners are required to examine and report on the systemic causes behind the violence that Indigenous women and girls experience, and their greater vulnerability to violence, by looking for patterns and underlying factors that explain why higher levels of violence occur. The commissioners have been mandated to examine the underlying historical, social, economic, institutional and cultural factors that contribute to the violence.

The commission will examine practices, policies and institutions such as policing, child welfare, coroners and other government policies/ practices or social/economic conditions.

The commissioners, as part of their mandate, will examine and report on institutional policies and practices that have been put in place as a response to violence, including those that have been effective in reducing violence and increasing the safety of Indigenous women and girls.

## Pre-inquiry design process

The Government of Canada committed to a national inquiry that balances diverse viewpoints and reflects the needs and expectations of the survivors, families and loved ones. To meet this commitment, the government sought the views and perspectives of many individuals and organizations to help design the inquiry.

The primary focus of the face to face meetings was hearing from the survivors, families and loved ones of missing and murdered Indigenous women and girls. In addition, the federal ministers met with Indigenous leaders, organizations and communities, provincial and territorial leaders, front-line organizations, scholars and legal experts.

The pre-inquiry design process was led by three federal ministers:

- The Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs Canada
- The Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada
- The Honourable Patty Hajdu, Minister of Status of Women

## Leadership, structure and scope of the inquiry

There was significant support for an independent and transparent inquiry led by Indigenous women which also includes the participation of men and is representative of Indigenous communities and regions. There was strong support for the inquiry to establish a timeline that is sensitive to the needs of the survivors, families and loved ones while avoiding a drawn-out and overly legalistic process. Considerable support was also expressed for an inquiry that is national in scope and has the full cooperation and participation of all levels of government.

### **Commissioners**

The inquiry should be led by an Indigenous woman supported by a panel of commissioners, the majority of whom should be Indigenous women.

The commissioners should represent a diversity of views, cultures and interdisciplinary professions as well as geographic regions. They should also reflect the diversity of Canada's First Nations, Métis and Inuit communities, and include representation from non-governmental Indigenous organizations, as well as family members.

The commissioners should be accomplished and respected leaders with a proven record of impartiality. Their life experience should ensure they have empathy and compassion towards the families, survivors, and loved ones.

They should also be healthy in spirit, body and mind and be informed about the trauma associated with the issues they would encounter.

The qualifications of the commissioners should include experience and expertise in legal principles (including human rights law), as well as policing and the justice system.

The commissioners should also have knowledge of research and investigation methods along with in-depth knowledge of the issues facing Indigenous peoples in Canada.

An appointment process for commissioners should be transparent and national in scope to ensure the inquiry has the credibility to carry out its mandate.

## **Structure and scope of the inquiry**

Commissioners should be supported throughout the process by an advisory circle or multiple circles of Indigenous peoples representing groups such as youth, elders, community members, survivors, and family members, as well as representatives of Indigenous organizations. An expert panel (or panels) should also be available to research, advise, and provide support on specific issues.

The commissioners should be supported by staff with a variety of expertise, and include an engagement team to provide outreach with communities in each province and territory. This team, along with the commissioners, should have the capacity to review and build upon existing research.

The commissioners should have the authority to ask for or conduct reviews and investigations of individual cases.

The inquiry should be subject to impartial oversight that would monitor its progress and ensure its accountability, as well as ensure adequate funding and monitoring for the implementation of its recommendations.

In order to assess lessons learned, consideration should be given to past inquiries and commissions on Indigenous issues such as the Truth and Reconciliation Commission, the Royal Commission on Aboriginal Peoples, the Highway of Tears Symposium, the Missing Women Commission of inquiry (Oppal inquiry) and the Manitoba Justice inquiry.

The inquiry should be granted the authority to pursue issues and make recommendations within federal, provincial and territorial jurisdictions.

The scope of the inquiry should be broad enough to result in recommendations for concrete actions for policy, program and legislative changes that address the underlying causes of violence against Indigenous women and girls.

*Source: Indigenous and Northern Affairs Canada*

## Participation

The majority of respondents focused on the need to be inclusive, underscoring the importance and acceptance of a diversity of perspectives.

### Who should participate

- The participation of female survivors of violence, and the families and loved ones of missing and murdered Indigenous women and girls, should be a priority throughout the inquiry. There should be no funding barriers and every effort should be made to enable full participation.
- Indigenous men and boys should be encouraged to participate throughout the inquiry.
- Trans and two-spirit people and communities should feel welcome to participate.
- Front-line service providers, social workers and counsellors, as well as representatives of organizations who directly support and engage with Indigenous families and communities, should be given the chance to participate.
- Indigenous community members including elders and Indigenous leaders should be included.
- Representatives of the government, justice systems, and law enforcement agencies should also participate in the proceedings.

### Support for participants

- A variety of methods should be employed to clearly and openly communicate about the inquiry's short- and long-term goals, schedule and dates of proceedings, and to reach out to individuals who may wish to participate.
- Participants should be given adequate time along with the necessary resources to ensure their safe and timely participation.
- All potential barriers to participation should be addressed (language, literacy, mental and physical health issues, age, costs, etc.).

- Special effort should be made to reach out and support the poorest and most marginalized groups (e.g., the incarcerated, the homeless, sex workers, addicts and women fleeing domestic violence).
- Legal representation should be provided if necessary.
- Commissioners or their representatives should travel throughout the country, including to remote Northern areas, to conduct interviews and to engage with the families, survivors and loved ones in their communities.
- Protective measures should be put in place for individuals who feel at risk. These would include alternative methods for participation such as private interviews, written, taped and anonymous submissions as well as telephone hotlines, community circles and focus groups.
- Media involvement should be monitored and potentially limited to broadcasting the inquiry proceedings.

### **Role of national Aboriginal organizations and Indigenous community leaders and organizations**

- The priority for these groups should be focused on supporting the participation of families, survivors and loved ones in the inquiry.
- These groups should also consider:
- Leading a national media campaign to support the inquiry and its proceedings.
- Training media on appropriate coverage of the inquiry and of a truthful portrayal of Indigenous people to prevent further reporting of stereotypes and myths.
- Assisting with communications and circulating information about the inquiry through existing networks.

*Source: Indigenous and Northern Affairs Canada*



## Key issues and actions

Although the key issues and actions are organized into categories, it is clear that most, if not all, are interconnected. It is therefore not surprising that significant support was expressed for the inquiry to take a holistic approach to its analysis of the issues — one that looks at the economic, cultural, political and social causes of violence. This human rights-based approach would include an assessment of the underlying causes of violence, inequality and discrimination to determine actions that would result in systemic change.

### **Child and family services**

The inquiry should:

- Review child welfare policies and the care of Indigenous children in child protective services to determine any potentially negative impact on Indigenous children, families and communities.
- Address the separation of Indigenous children from their families and the disproportionately high rates of Indigenous children in child welfare services.
- Examine the failure of the child welfare system to respond to and deal with individual cases.
- Assess the social programs and services, health care and counselling supports being provided to Indigenous people to assist with issues of substance abuse and addictions, mental health, poverty, inadequate housing, and unemployment.
- Examine the relationship between a lack of adequate social programs and services and family violence.
- Address the disparity in funding for services on reserves and off reserves, and increase funding for family counselling in remote locations.
- Identify and address the specific needs of children of victims and ensure they have protection and mental, social and health supports.

## Law enforcement

- The inquiry should:
- Review the structures and systems in place to ensure police and law enforcement agencies are accountable for how they investigate cases of missing and murdered Indigenous women and girls.
- Initiate independent reviews of investigations or official conclusions regarding deaths or disappearances that family members believe should be re-examined.
- Address the delays in responding to reports of missing Indigenous women and girls.
- Address institutional racism within law enforcement agencies and the links to the overrepresentation of Indigenous people in the correctional system.
- Address the conduct of police officers towards Indigenous women, girls and their families.
- Address the sexual exploitation and trafficking of Indigenous women and girls and their causes and consequences.
- Review and address the breakdown in communications between families and law enforcement investigative processes, especially between urban and rural or remote locations.

## Criminal justice system

- The inquiry should:
- Address institutional racism within correctional services and the justice system, including any links to the overrepresentation of Indigenous people in the correctional system.
- Examine the failure of the criminal justice system to respond to and deal with individual cases.
- Review legislation that may contribute to the violence experienced by Indigenous women and girls.
- Review the representation of Indigenous people (Inuit, First Nations and Métis) who hold positions of authority in the justice system, including judges and prosecutors.

- Explore the role and practice of Indigenous legal systems, knowledge and traditions to support women and their families and communities to address gender-based violence.

## Systemic issues and legacies

- The inquiry should:
- Examine the role the social and economic marginalization of Indigenous women and girls has on making them vulnerable to violence, cycles of poverty, homelessness, addiction, reliance on prostitution, and disproportionately high rates of incarceration.
- Address the systemic predominance of Indigenous male political leadership at the expense of Indigenous women's autonomous leadership, including the lack of funding for women's organizations.
- Identify the causes and consequences of the historical sexual exploitation and trafficking of Indigenous women and girls, including sexual stereotyping.
- Assess the intergenerational effects of violence as a result of the Indian Residential Schools and the "60s-Scoop."
- Consider the historical links to organized crime including prostitution, gangs, human trafficking and drugs.
- Assess the legacy of colonialism and discriminatory and racist laws.

## Specific Research and Actions

- Implement existing recommendations from previous inquiries and commissions, including the Truth and Reconciliation Commission's Calls to Action, as well as the studies and reports produced by Indigenous organizations regarding missing and murdered Indigenous women and girls.
- Support and adequately fund culturally sensitive social services for Indigenous women and girls and their families, including rape crisis centres, safe houses and shelters, and trauma and grief counselling.
- Provide services and education funds especially designed for the children of missing and murdered women.

- Educate the Canadian public, including both Indigenous and non-Indigenous people, on the history of Indigenous peoples in Canada on issues such as racism and discrimination and dispelling myths and stereotypes.
- Include a public education mandate for the inquiry to educate the public, both Indigenous and non-Indigenous, about what is being learned and revealed about violence against Indigenous women and the harm it causes.
- Provide a dedicated 24-hour free response line with trained staff or volunteers to answer questions and provide support to survivors, families and loved ones.
- Implement preventative measures and practical solutions to ensure the safety of Indigenous women and girls.
- Examine ways to incorporate Indigenous legal knowledge into the inquiry to address gendered violence.

*Source: Indigenous and Northern Affairs Canada*

## Cultural practices and supports

The need for professional mental health counselling and community-based, trauma-sensitive cultural and health supports for survivors, families, and loved ones throughout the inquiry and afterwards is seen as critical to an effective process and to mitigate potential re-victimization.

- The inquiry should provide a wide variety of cultural, spiritual and religious supports that reflect the diversity of all participants and regions and include the oversight and support of elders (including prayers, smudging, drumming, singing, Qulliq lighting, sacred fires, round dances, potlatches, water ceremonies, medicine wheels, and pipe ceremonies).
- Elders should be regularly consulted on cultural and ceremonial practices that conform to the traditions and protocols of the region in which the inquiry's proceedings are held.
- Cultural ceremonies should be open to everyone and include representation from Indigenous women, youth, and communities. They should also include healing and celebration ceremonies.
- The inquiry's respect for the local and traditional practices should extend to allowing community members to prepare and to provide traditional food.
- Health supports that are culturally sensitive and appropriate must be available at all stages of participation including aftercare. Trained professionals and elders, along with existing support workers, should be available to participants.
- The support of family and community networks should be encouraged to promote individual and community healing.
- Special consideration should be given to identifying the needs of children of victims and ensuring that they have the necessary and appropriate health supports and protection.

*Source: Indigenous and Northern Affairs Canada*

### UN Convention On the Elimination of All Forms of Discrimination Against Women (CEDAW) Inquiry Backgrounder

Inquiry under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women into Murders and Disappearances of Indigenous Women and Girls in Canada

- The United Nations **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** came into force 3 September 1981
- Canada ratified CEDAW on 10 December, 1981
- The United Nations Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women came into force on 22 December 2000
- Canada ratified the Optional Protocol to CEDAW on 18 Oct 2002
- The Optional Protocol to CEDAW authorizes the Committee on the Elimination of Discrimination against Women (CEDAW Committee) to 1) receive and adjudicate complaints from individuals who allege that their rights have been violated by a State that is a party to the treaty, and 2) initiate an inquiry when it receives “reliable information indicating grave or systematic violations.”
- Canada’s compliance with the Convention is reviewed about once every five years by the UN Committee on the Elimination of Discrimination Against Women (CEDAW Committee). Canada submits a report. Non-governmental organizations (NGOs) also submit reports.
- **The Canadian Feminist Alliance for International Action (FAFIA)**, in its submission to the CEDAW Committee at the time of the review of Canada’s 6th and 7th reports in November 2008, drew attention to missing and murdered Aboriginal women in Canada.
- The CEDAW Committee, after reviewing Canada’s compliance with its obligations under the Convention on the Elimination of All Forms of Discrimination against Women in 2008, in its Concluding Observations, stated:

- 31. ...the Committee...remains concerned that hundreds of cases involving Aboriginal women who have gone missing or been murdered in the past two decades have neither been fully investigated nor attracted priority attention, with the perpetrators remaining unpunished.
- 32. The Committee urges the State party to examine the reasons for the failure to investigate the cases of missing or murdered Aboriginal women and to take the necessary steps to remedy the deficiencies in the system. The Committee calls upon the State party to urgently carry out thorough investigations of the cases of Aboriginal women who have gone missing or been murdered in recent decades. It also urges the State party to carry out an analysis of those cases in order to determine whether there is a racialized pattern to the disappearances and take measures to address the problem if that is the case.
- Canada was asked to report back on its actions on the recommendation contained in paragraph 32 in one year, and it did so in February 2010. FAFIA and the Native Women's Association of Canada provided follow-up reports indicating that Canada had taken no adequate action.
- On 25 August 2010, after considering the follow-up report from Canada, the CEDAW Committee wrote to Canada to state that "The Committee considers that its recommendation (regarding missing and murdered Aboriginal women and girls) has not been implemented and it requests the Canadian authorities to urgently provide further information on measures undertaken to address such concerns ...". Canada supplied further information to the Committee on 8 December 2010, but was asked additional questions.
- In January 2011, FAFIA made a formal request to the CEDAW Committee to initiate an Inquiry under Article 8 of the Optional Protocol to the Convention.
- In September 2011, NWAC made a formal request to the CEDAW Committee to initiate an Inquiry under Article 8 of the Optional Protocol
- In September 2011, FAFIA and NWAC submitted additional information to the Committee and requested that an Inquiry under Article 8 of the Optional Protocol be initiated because of Canada's failure to act promptly and effectively to address the violations of the human rights of Aboriginal women and girls.



- The CEDAW Committee decided to conduct an Inquiry into missing and murdered Aboriginal women and girls in Canada in 2011.
- Members of the CEDAW Committee came to Canada in September 2013 to investigate and meet with both government and civil society representatives in Ottawa, Winnipeg, Whitehorse, Prince George and Vancouver.
- In March 2015 (CEDAW) issued their final Report on its Inquiry into Missing and Murdered Indigenous Women and Girls

*Source: Native Women's Association of Canada*