

# **WHAT WE HEARD**

## ***National Inquiry into Missing and Murdered Indigenous Women and Girls***

### **Introduction**

The Government of Newfoundland and Labrador is pleased to see that the Federal Government has launched a National Inquiry into Missing and Murdered Indigenous Women and Girls. The Provincial Government has committed to coordinated collaboration on action to prevent and address violence against Indigenous women before, during and after the National Inquiry.

The Provincial Government recognizes that Indigenous women and girls are particularly vulnerable of being victims of violence, and acknowledges that eliminating violence against Indigenous women and girls is a priority.

Premier Ball's December 2015 mandate letter commits to "lead our government's participation in the National Inquiry into Missing and Murdered Indigenous Women and Girls and the implementation of resulting recommendations which are applicable to the provincial government".

On August 3, 2016, the Federal Government announced the launch of the next phase of the National Inquiry. The work of the Independent Commission will be led by the Chief Commissioner, the Honourable Marion Buller. Judge Buller will be supported by four Commissioners - Michèle Audette; Qajaq Robinson; Marilyn Poitras; and Brian Eyolfson. In order to complete its mandate, the Commission will be provided \$53.86 million by the Government of Canada over two years. The Commission will provide recommendations to the Government of Canada in an interim report in fall 2017, with a final report by the end of 2018.

The Provincial Government has written to the Government of Canada to express a commitment to participate and cooperate in the National Inquiry process, and looks forward to continued cooperation and communication with federal, provincial and territorial colleagues, as well as Indigenous governments and organizations, as this process continues.

On November 30, 2016, the Government of Newfoundland and Labrador issued an Order in Council (OC) to establish and conduct the National Inquiry under provincial public inquiries legislation. This will allow the National Inquiry to review areas under provincial jurisdiction.

The Provincial Government initiated its own direct consultations with Indigenous governments and organizations in the province. These consultations were aimed at facilitating the Provincial Government's participation in the National Inquiry through collecting information, as well as continuing the ongoing dialogue between Indigenous governments and organizations in Newfoundland and Labrador and the Provincial Government on this important issue.

## Consultation Process

Officials from the Intergovernmental and Indigenous Affairs Secretariat (IIAS) held engagement meetings regarding the pre-Inquiry design phase throughout the province.

IIAS officials met with Miawpukek First Nation in Conne River in April 2016 and the Nunatsiavut Government, Innu Nation, and NunatuKavut Community Council, Inc., in Happy Valley-Goose Bay in April 2016.

On May 09-10, 2016, IIAS officials met with four organizations based on the west coast of the Island – the Qalipu Mi'kmaq First Nation Band; the Newfoundland Native Women's Association; the Newfoundland Aboriginal Women's Network; and the Mi'kmaq First Nations Assembly of Newfoundland.

In addition to these engagement sessions led by the IIAS, the Honourable Cathy Bennett, Minister Responsible for the Status of Women met with Indigenous leaders on February 08, 2016 in Labrador, and discussed violence against Indigenous women and girls as well as Newfoundland and Labrador's participation in the National Roundtable on Missing and Murdered Indigenous Women and Girls and the National Inquiry.

IIAS officials also attended three pre-Inquiry design meetings hosted by National Indigenous Organizations (NIOs) as an observer: Pauktuutit in Ottawa, and Tungasuvvingat Inuit (TI) in Happy Valley-Goose Bay and in St. John's.

TI held the St. John's meeting at the St. John's Native Friendship Centre. The Labrador Friendship Centre was represented at the meeting with IIAS officials in Happy Valley-Goose Bay in May 2016.

## What We Heard

The Federal Government released a list of questions in order to guide discussions for the pre-Inquiry Design Phase.

- Who should lead the inquiry?
- Who do you think should provide views or have an opportunity to participate in the inquiry?
- What are the key issues that need to be addressed by the inquiry?
- How can the process be set up so it results in providing concrete and practical recommendations for specific actions?
- How can cultural practices and ceremonies be incorporated into the design of the inquiry?
- How is it best to involve the families, loved ones and survivors in the inquiry?
- How should Indigenous groups (National Indigenous Organizations, front-line workers, band councils, etc.) be included in the inquiry?
- What supports (health supports, counselling, translation, etc.) may be needed during the inquiry for individuals who are participating?
- Is there anything else you would like to add to help design the inquiry?

This list of questions was also used as a tool to help guide the Provincial Government's engagement with Newfoundland and Labrador Indigenous governments and organizations.

## Themes

Discussions were often highly-charged and emotional, and ranged from individual experiences with violence, to dissatisfactory experiences with the availability and delivery of federal, and at times provincial/territorial, government programs and services.

### Inclusivity for all groups and regions

All participants were emphatic in expressing the need for the Inquiry to travel to Indigenous communities throughout the country, to hear direct testimony from anyone who would like to participate, while also ensuring that urban Indigenous people are not overlooked. This is important in order to understand the dynamics and individual situations of various communities. Inuit participants noted that all Inuit regions should be equally represented.

Participants suggested that if the Inquiry will not be visiting all communities, then financial support for travel costs should be provided for victims and families. Additionally, the dates for hearings or visits by the Commissioners should be established well in advance, in order to accommodate for travel and any arrangements needed for pre-care of victims and families. In order to facilitate inclusive participation, particularly among women, it was heard that consideration should be given to how childcare can be provided. There needs to be extensive local communications, including in Indigenous languages.

### Representative Commission

Commissioners should represent all Indigenous cultures, with an Indigenous member as chair or co-chair. It was suggested that there be multiple Chairs, similar to the design of the Truth and Reconciliation Commission, with the potential for a rolling Chair or co-Chair that changes based on the community. Participants also raised the idea that the Commission could be supported by regional representatives. Inuit participants agreed that at least one Commissioner should be Inuk, preferably a woman or an elder.

Participants also noted the need for the inclusion of government representatives who are non-political in the Inquiry proceedings.

### Broad Mandate

The Inquiry should focus on removing stigmas and shame. Participants cautioned against limiting the mandate to Indigenous women and girls. It was also noted that there should be equal evaluation of cases of missing individuals, rather than solely focusing on murder cases.

Inuit participants in particular suggested that a specific Inuit focus is needed for the Inquiry. It was noted that Inuit communities are often very isolated, with fewer services and options than other communities. Participants indicated this resource disparity should be identified in the Inquiry and any resulting recommendations.

### Support for Participants

The need for support to participants before, during, and after their participation in the Inquiry was heard in all sessions. The importance of financial support for trauma-informed care after the conclusion of Inquiry participation was noted. Participants were mindful that some people could have concerns about participating in the Inquiry openly, particularly regarding future (re)victimisation. As such, participants also noted anyone who wanted to participate in the Inquiry should be given the option of participating anonymously, in the community of their choosing, which may be outside their home community. Individuals and families who may struggle to speak themselves should also be provided the opportunity to designate someone to speak on their behalf.

Participants emphasized that Elders should be present, both as participants and to provide support. The creation of support groups may also be helpful in providing counselling to participants before, during and after the Inquiry sessions.

### Inclusion of cultural practices

It was heard that the Inquiry should incorporate cultural practices and traditions in a way that is respectful of the community they are visiting. Such practices could include culturally appropriate food, drumming, smudging, prayers and lighting of the Kullik. Many participants felt confident that Indigenous practices and ceremonies will be incorporated into Inquiry proceedings.

### Community driven

Participants asserted that Indigenous governments and organizations should be engaged in the process and provided access to the proceedings. This can be achieved through gathering specific contacts with governments and organizations.

Some participants also expressed strongly that provincial Indigenous governments and organizations ought to take a larger role, not only with respect to the Inquiry, but more generally, with respect to the challenges and issues faced by women and girls not only in their communities, but perhaps more importantly, when they leave the communities or treaty areas. However participants did generally commend the work and involvement to-date of National Indigenous Organizations and local/regional Indigenous organizations.

Participants largely agreed that the Inquiry had to be led by the Indigenous community, most notably by Elders and youth. There should be a focus on full participation of anyone willing and able to participate, and community members could be empowered to lead discussions in their community.

Community based-supports were strongly encouraged, including shelters and support services for both women and men.

There was a recognition that many of the answers to these problems could be found in leadership within Indigenous communities, and effort should be made to identify and nurture such leadership among all Indigenous people, including women and girls, but also men and boys. The inclusion of Indigenous men and boys in the healing process was emphasized by some participants. It was noted that men and boys have faced challenges, including the difficulty in transitioning away from a traditional lifestyle, that have not always been addressed by initiatives to curb violence.

### Key Issues to Explore

It was suggested that the mandate must include Police and Justice System responses; Crime Prevention; Family Violence; Safety (shelters, relocations, court orders, offender reintegration); Exploring the Root Causes of violence against Indigenous women as well as the depressed socio-economic circumstances for Indigenous people (including the social determinants of health); and, Counselling and Treatment Services.

Key issues include racism and ignorance in the education, healthcare and justice systems and a failure by governments across Canada to recognize and appreciate the intergenerational trauma that has been incurred by many Indigenous people as a result of Indian Residential Schools, the 60's Scoop, and even the delayed application of the Federal Government's s. 91(24) jurisdiction in Newfoundland and Labrador following Confederation. Participants acknowledged the importance of educating the public and all public servants on these issues, with training provided to every public servant on Indigenous history and culture.

Participants expressed a hope that the Inquiry would examine how the RCMP and RNC conduct investigations, and how Indigenous people are treated in the justice system in comparison with other people. The issue of over-incarceration of Indigenous people and desire for 24-hour policing was raised by participants.

However, participants also agreed the key issues include much more than the criminal justice system, and in order to create change the Inquiry must explore the root causes which have led to a lower socioeconomic status among Indigenous people across Canada. A key focus is to explore the social determinants of health.

### Need for Immediate and Concrete Action

Participants emphasized the need for immediate action in a variety of areas, including:

- increasing police and crisis response teams in communities;
- improving shelters, relocation, and safety/protection orders;
- providing counselling and treatment;
- promoting crime prevention;
- addressing child sexual abuse and fetal alcohol spectrum disorder (FASD);
- increasing food security; and
- increasing information and support for families of victims.

Concerns were raised that the Inquiry's recommendations will be similar to those from the Truth and Reconciliation Commission of Canada or the Royal Commission on Aboriginal Peoples, based solely on addressing systemic issues such as residential schools, colonization, and substance abuse. While systemic issues and their impact on all Indigenous people, as well as the victims and perpetrator of any violent crime, need to be examined, it was also noted that concrete achievable recommendations need to be brought forward.

In order to achieve concrete actions, participants noted that it is important that the Inquiry does not repeat work that has already been done. It was suggested that Commissioners should be allowed to interview service providers and public servants, and should focus on asking the right questions in order to get answers. It was noted that front-line, on-the-ground community service organizations may have insights to provide

to the Inquiry, including those which work with vulnerable populations in the community. It was also heard that Commissioners should be able to collect or release follow-up information on children in care, to determine rates of criminal activity or whether they are more at risk of going missing or being murdered.

It was suggested that the Commissioners should establish an Advisory Council of Families to support and advise the Commission throughout the Inquiry.

## **Next Steps**

In the Way Forward Document, released October 2016, the Provincial Government committed to establish an Annual Leaders Roundtable with Indigenous Governments and Organizations to meet and establish priority areas. This is a part of the Provincial Government's ongoing commitment to work collaboratively with Indigenous communities in the Province to ensure programs and services reflect their needs.

The Government of Newfoundland and Labrador is committed to working with the Commissioners wherever possible to support the National Inquiry process. It is also committed to engaging Indigenous governments and organizations on issues of importance to them to continue building positive working relationships and improving the lives of all Indigenous people in Newfoundland and Labrador.

The Provincial Government recognizes that Indigenous women are especially vulnerable of being victims of violence, and has demonstrated that eliminating violence against Indigenous women is a priority. Following the death of Loretta Saunders, an Inuit woman from Labrador studying in Nova Scotia, and to reiterate and emphasize Newfoundland and Labrador's support for a National Inquiry, on March 18, 2014, the House of Assembly unanimously passed an All-party Resolution calling upon the Federal Government to convene a National Inquiry into Missing and Murdered Indigenous Women and Children.

Additionally, the Government of Newfoundland and Labrador has taken many measures to eliminate violence, including funding for shelters in Nunatsiavut communities; funding for community-based supports for Inuit Women and the Newfoundland Aboriginal Women's Network; an Aboriginal Grants Program to assist Indigenous governments and organizations in promoting violence prevention and the Violence Prevention Initiative, a province-wide initiative that aims to eliminate all violence in the province, including violence against Indigenous women and girls.

The Provincial Government, in partnership with the Federal Government, is exploring the potential establishment of Family Information Liaison Units as a complementary process to the National Inquiry, and a support service for information needs of family members of missing and murdered Indigenous people.

The Provincial Government supports Indigenous governments and organizations in their path to self-determination and autonomy. The Provincial Government will continue to address Indigenous rights through negotiation and settlement of land claims and will address Indigenous aspirations for self-determination through the negotiation of self-government agreements and agreements to devolve provincial programs and services.

The Labrador Inuit Land Claims Agreement provides the Nunatsiavut Government for the establishment of the Government. The Provincial Government is currently in negotiations with the Federal Government and the Innu Nation regarding their final land claim, based on a self-government Agreement-in-Principle signed in 2011, The Miawpukek First Nation signed a self-government Agreement-in-Principle in 2013.

The Provincial Government has begun work to improve the provincial curriculum, including the recently established Aboriginal Education Advisory Committee, which includes Indigenous governments and organizations throughout the province. The Provincial Government also notes the recent multilateral initiative of the regional health authorities, supported by provincial Indigenous governments and organizations, the Federal Government, and Government of Newfoundland and Labrador, to develop cultural competency training packages for staff and officials throughout the four health authorities. In spring 2012, the Department of Health and Community Services was approved for funding through Health Canada's Health Services Integration Fund to develop and implement a Cultural Safety Program for Health Professionals in Newfoundland and Labrador. The development of this project was overseen by a provincially based advisory committee consisting of representation from Government of Newfoundland and Labrador, each Regional Health Authority, Health Canada, Miawpukek First Nation, Qalipu Mi'kmaq First Nation, Mushuau Innu First Nation, Sheshatshiu Innu First Nation, Nunatsiavut Government and NunatuKavut Community Council. The program aims to improve and increase access to culturally safe and appropriate health service for Indigenous people in the province, and to increase the awareness of health professionals of Indigenous people and their respective cultures. This program is being delivered at the Regional Health Authority level. The Department of Health and Community Services has been working in collaboration with regional, community and Indigenous partners on several projects related to Indigenous health including: Labrador Grenfell Regional Health Authority employing Indigenous interpreters; the new Primary Health Care Framework; Journey to the Big Land – Enhancing Cancer Services for First Nations, Inuit and Metis in Labrador; St. John's Native Friendship Centre's Aboriginal Patient Navigator Program delivered in conjunction with the Eastern Regional Health Authority; the Memorial University Aboriginal Health Initiative; and, the Aboriginal Identifier Project.

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