



## *Institute for the Advancement of Aboriginal Women*

### **Missing and Murdered Indigenous Women Inquiry**

#### **Key Draft Recommendations**

**IAAW requests that the Commission include in its recommendations that:**

(Police and Police Services)

1. Proper supports and protections must be implemented for victims who wish to report police racism and violence, at all stages of the complaint process;
2. The RCMP confront and develop strategies for overcoming officers' code of silence that allows problem officers to reinforce discriminatory behaviours;
3. Community-based structures such as local community advisory committees be established to invite community input into developing annual performance plans, to coordinate policing and related services, and deal with policing matters;
4. All Police Forces have an Indigenous Relations Advisor who reports directly to the Chief or Commanding Officer with a mechanism for dealing with complaints;
5. A working group be established with a monitoring function that includes Indigenous community members to review and make recommendations on officer training, cultural awareness, and particularly competency on dealing with issues of violence against Indigenous women and girls;

(Criminal Justice System)

1. This Commission must formally recognize that while Métis women and girls are as vulnerable to victimization as are other Indigenous women and girls in Canada, further research and evidence must be considered about the experiences of Metis women and girls, and that specific recommendations that target this specific group are warranted;
2. An Alberta Indigenous Justice Inquiry be struck to examine the treatment of Indigenous people involved in the criminal justice system in Alberta as victims or accused, with specific attention to the experience of Indigenous women;
3. An Indigenous Human Rights Commission be formed, comprised of Indigenous human rights groups and organizations led by Indigenous women, with a monitoring function to track Indigenous interactions within the criminal justice system;



4. Culturally relevant independent legal representation for Indigenous women be guaranteed through review of existing programs and policies impacting such complainants;
5. Legal Aid counsel appointment process be amended so that Indigenous accused accessing Legal Aid may elect to have Indigenous counsel appointed;
6. Victim Services shall be relocated to Indigenous-led organizations with the mandate, demonstrated experience and expertise. Further, that adequate funding shall be provided to such organizations to deliver programs and services, as well as resources for training, and support for workers dealing with trauma;
7. Victims of crime shall be provided services in their traditional languages, with proper funding support allocated to enable such services;

(Law and Policy Reform)

1. To ensure that the human dignity and rights of no Indigenous woman is ever violated as was Cindy Gladue, we recommend that all governments undertake law reform to prevent the use of human organs or tissue as real evidence in criminal prosecutions;
2. Review and amend policies and procedures, in particular provincial Crown Prosecutor's practice manuals with particular attention to Indigenous women and children as victims of violent offences. Policy amendments to include specific content regarding Indigenous complainants developed in collaboration with Indigenous organizations in the provinces and territories;
3. Implement necessary amendments to the Criminal Code which will enable a judge, when sentencing an Indigenous accused when the Court believes it is warranted, to deviate from sentencing precedent, for reasons relating to the unique circumstances of the offender;
4. Recommend that s. 515(10) of the Criminal Code is amended to enable a judge, when considering the release or detention of an Indigenous offender, that his or her unique circumstances as an Indigenous person shall be taken into consideration, ie. the "Gladue factors";
5. Review and amend provincial victims of crime legislation, and related justice policies and procedures with view to addressing the over-representation of Indigenous women as victims and accused;

### **Implementation**

1. Any post-Inquiry research proposed by this Inquiry must be Indigenous developed, lead, and/or owned and subject to strict ethical and protocol requirements as articulated by leading Indigenous research scholars and Indigenous women with lived experience;
2. An independent unit should be established, funded by government, to review police MMIW investigation files and to make recommendations with respect to moving solving open cases;



3. That this Commission formally recognize that the colonial model of the criminal justice system in Canada is a root cause of violence experienced by Indigenous women, and that in order to truly address the violence against Indigenous women and girls, that system must change.

<b>Exhibit: National Inquiry into Missing and Murdered Indigenous Women and Girls</b>		
Location/Phase: <u>Part 4: Closing Oral Subs</u>		
Witness: <u>n/a</u>		
Submitted by: <u>Lisa Weber</u>		
Add'l info: <u>P04P02P0101</u>		
Date: <u>DEC 10 2018</u>		
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<div>63</div>	<div></div>	<div>2</div>