

**IN THE MATTER OF: APPLICATION TO COMPEL THE INCLUSION OF  
CHILD WELFARE/CHILD PROTECTION/ CHILDREN  
IN CARE INTO THE GOVERNMENT SERVICES  
INSTITUTIONAL HEARING OF THE NATIONAL  
INQUIRY INTO MISSING AND MURDERED WOMEN  
AND GIRLS**

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**NOTICE OF MOTION OF  
THE ASSEMBLY OF MANITOBA CHIEFS**

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**NOTICE OF MOTION**

1. The Assembly of Manitoba Chiefs (“AMC”) requests that the Commissioners of the National Inquiry into Missing and Murdered Indigenous Women and Girls (“MMIWG”) hear this motion orally, within 5 days, for the following relief from the National Inquiry:
  - i. That the issue of child welfare/child protection/children in care be included into the Government Services Institutional hearing of the National Inquiry into MMIWG.
  - ii. That MMIWG identify experts on the issues outlined in paragraph 1(i) herein and present expert evidence on the issues outlined in paragraph 1(i) herein as part of the Government Services Institutional Hearing pending before MMIWG.

2. The National Inquiry's *Legal Path: Rules of Respectful Practice* (the "Legal Path") and the full participatory standing granted to AMC include the right of AMC to bring a motion within the process.
3. AMC seeks this relief by motion because:
  - i. it has recently learned that issues relating to child welfare/child protection/children in care will not be addressed in the Institutional Government Services Hearing;
  - ii. the issue of child welfare has not been meaningfully addressed in the Inquiry to-date. There is no plan for the MMIWG Commissioners to hear direct evidence from experts on children in care, kinship care, or children at risk of apprehension;
  - iii. the Terms of Reference of the National Inquiry into MMIWG directs the Commissioners to inquire into and to report on the systemic causes of all forms of violence;
  - iv. the Legal Path states that it will examine "the systemic causes and processes contributing to the high incidence of violence experienced by Indigenous women and girls, and the disproportionately high rate by which Indigenous women and girls are lost to violent, wrongful or suspicious death, and unexplained disappearances of those lost loved ones from their families and loved ones";<sup>1</sup>
  - v. the AMC's research into and engagement with families of MMIWG, survivors of violence, a coalition of service providers, Elders and Knowledge Holders and Youth, as well as its historic and ongoing work

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<sup>1</sup> *LEGAL PATH: RULES OF RESPECTFUL PRACTICE for the National Inquiry into Missing and Murdered Indigenous Women and Girls* (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2018) at "National Inquiry Truth Gathering Process", s 2, online: <[www.mmiwg-ffada.ca/wp-content/uploads/2018/05/legal-path-final.pdf](http://www.mmiwg-ffada.ca/wp-content/uploads/2018/05/legal-path-final.pdf)> [*Rules*].

with First Nations families reveals a direct link between the high rates of apprehension of First Nation children and the instances of MMIWG in Manitoba;

- vi. the issue of child welfare was identified and discussed as one of the root causes of violence against Indigenous women and girls in the MMIWG Interim Report, “Our Women and Girls are Sacred”, (the “Interim Report”)<sup>2</sup>; and
- vii. the National Inquiry has committed to examining the issue of children welfare. Specifically:
  - 1. the Interim Report states that the Institutional Hearings will examine child welfare issues<sup>3</sup>; and
  - 2. the Legal Path lists child welfare as the second issue which can be addressed by parties with Regional and National standing.<sup>4</sup>

4. AMC relies on the following documents in support of its motion:

- i. AMC Application for Standing at the National Inquiry into Missing and Murdered Indigenous Women and Girls;
- ii. AMC Application for Funding for Parties with Standing, filed May 1, 2017;
- iii. Affidavit of Marcel Balfour, affirmed May 1 2017 and filed May 1, 2017;
- iv. Affidavit of Marcel Balfour, affirmed April 20, 2018; and
- v. Affidavit of Cora Morgan, affirmed May 18, 2018.

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<sup>2</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, *Our Women and Girls are Sacred: Interim Report* (Ottawa: National Inquiry into Missing and Murdered Indigenous Women and Girls, 2017) at 44–46.

<sup>3</sup> *Ibid* at 60.

<sup>4</sup> *Rules*, *supra* note 1 at “Rules”, s 22.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 18<sup>th</sup> DAY OF MAY, 2018.



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**Anita Southall / Joëlle Pastora Sala**  
Counsel for the AMC

**TO: NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS**

**AND TO: ABORIGINAL LEGAL SERVICES; ABORIGINAL SHELTERS OF ONTARIO; ABORIGINAL WOMEN'S ACTION NETWORK; ADVOCATE FOR CHILDREN AND YOUTH SASKATCHEWAN; AMNESTY INTERNATIONAL CANADA; ANIMAKEE WA ZHING #34 FIRST NATION, EAGLE LAKE FIRST NATION, ANA FIRST NATION/GRASSY NARROWS FIRST NATION, OBASHKAANDAGAANG FIRST NATION, AND OJIBWE NATION OF SAUGEE, AS A SINGLE COLLECTIVE PARTY; ASSEMBLY OF FIRST NATIONS; ASSEMBLY OF FIRST NATIONS QUEBEC-LABRADOR; ASSOCIATION OF NATIVE CHILD AND FAMILY SERVICE AGENCIES OF ONTARIO; AWO TAAN HEALING LODGE SOCIETY; BATTERED WOMEN'S SUPPORT SERVICES; BC CIVIL LIBERTIES ASSOCIATION; BC FEDERATION OF LABOR; BC GOVERNMENT SERVICE EMPLOYEES UNION; BC SOCIETY OF TRANSITION HOUSES; CANADIAN ASSOCIATION OF CHIEFS OF POLICE; CANADIAN ASSOCIATION OF POLICE GOVERNANCE AND FIRST NATIONS POLICE GOVERNANCE COUNCIL; CANADIAN FEMINIST ALLIANCE FOR INTERNATIONAL ACTION AND PARTNERS – CANADA WITHOUT POVERTY AND DR. PAMELA PALMATER; CITY OF VANCOUVER; CONCERTATION DES LUTTES CONTRE L'EXPLOITATION SEXUELLE; CONGRESS OF ABORIGINAL PEOPLES; CONCEIL DES ANICINAPEK DE KITCISAKIK; DOWNTOWN EASTSIDE WOMEN'S CENTRE; EASTERN DOOR; ENDING VIOLENCE ASSOCIATION OF BC; FAMILIES FOR JUSTICE; FIRST NATIONS CHILD AND**

FAMILY CARING SOCIETY OF CANADA; FIRST NATIONS HEALTH AUTHORITY; FIRST NATIONS HEALTH COUNCIL; GIGNOO TRANSITION HOUSE INC.; GOVERNMENT OF ALBERTA; GOVERNMENT OF BC; GOVERNMENT OF CANADA; GOVERNMENT OF MANITOBA; GOVERNMENT OF NEW BRUNSWICK; GOVERNMENT OF NEWFOUNDLAND AND LABRADOR; GOVERNMENT OF NORTHWEST TERRITORIES; GOVERNMENT OF NOVA SCOTIA; GOVERNMENT OF NUNAVUT; GOVERNMENT OF ONTARIO; GOVERNMENT OF PRINCE EDWARD ISLAND; GOVERNMENT OF QUEBEC; GOVERNMENT OF SASKATCHEWAN; GOVERNMENT OF YUKON; HEILTSUK FIRST NATION; HUMAN RIGHTS WATCH; INDEPENDENT FIRST NATIONS; INDIGENOUS CIRCLE CHAPTER OF THE CANADIAN COUNSELLING AND PSYCHOTHERAPY ASSOCIATION; INDIGENOUS WOMEN AGAINST THE SEX INDUSTRY; INNU-TAKUAIKAN UASHAT MAK MANI-UTENAM; INSTITUTE FOR THE ADVANCEMENT OF ABORIGINAL WOMEN; INUIT TAPIRIIT KANATAMI; ISKWEWUK E-WICHIWITOCNIK (WOMEN WALKING TOGETHER); KAWACATOOSE FIRST NATION; KWANLIN DÜN FIRST NATION; LIARD ABORIGINAL WOMEN'S SOCIETY; LONDON ABUSED WOMEN'S CENTRE; MANITOBA KEEWATINOWI OKIMAKANAK INC.; MANITOBA MOON VOICES INC.; MISHKEEGOGAMAANG FIRST NATION; MMIWG-COALITION- MANITOBA; NASKAPI NATION OF KAWAWACHIKAMACH; NATIVE WOMEN'S ASSOCIATION OF CANADA; NATIVE WOMEN'S ASSOCIATION OF NORTHWEST TERRITORIES; NB/NS INDIGENOUS/ABORIGINALS COUNCILS- NEW BRUNSWICK ABORIGINAL PEOPLES COUNCIL; NEWFOUNDLAND ABORIGINAL WOMEN'S NETWORK; NEWFOUNDLAND NATIVE WOMEN'S ASSOCIATION; NORTHWEST INDIGENOUS COUNCIL SOCIETY; NUNATSIAVUT GOVERNMENT; NUNATUKAVUT COMMUNITY COUNCIL INC.; ONTARIO FEDERATION OF INDIGENOUS FRIENDSHIP CENTRES; ONTARIO NATIVE WOMEN'S ASSOCIATION; OUR PLACE – RAY CAM COOPERATIVE CENTRE; PAUKTUUTIT INUIT WOMEN OF CANADA, SATURVIIT INUIT WOMEN'S ASSOCIATION, ANANAUKATIGET TUMINGIT REGIONAL INUIT WOMEN'S ASSOCIATION AND OTTAWA INUIT CHILDREN'S CENTRE, AS A COLLECTIVE SINGLE PARTY; PHS COMMUNITY SERVICES SOCIETY; QUEBEC NATIVE WOMEN ASSOCIATION; REGINA TREATY STATUS INDIAN SERVICES INC.; REGROUPEMENT MAMIT INNUAT INC.; SASKATCHEWAN ABORIGINAL WOMEN'S CIRCLE; SASKATCHEWAN ASSOCIATION OF CHIEFS OF POLICE; SASKATCHEWAN FIRST NATIONS WOMEN'S COMMISSION-FEDERATION OF SOVEREIGN INDIGENOUS NATIONS; SERVICE DE POLICE DE LA VILLE DE MONTREAL; SIOUX LOOKOUT COLLECTIVE; THUNDER BAY POLICE SERVICES; TORONTO

POLICE SERVICES; TREATY ALLIANCE NORTHERN ONTARIO- NISHNAWBE  
ASKI NATION/GRAND COUNCIL TREATY 3; UNDER ONE SKY FRIENDSHIP  
CENTRE; UNION OF BC INDIAN CHIEFS; VANCOUVER RAPE RELIEF AND  
WOMEN'S SHELTER; VANCOUVER SEX WORKERS'S RIGHTS COLLECTIVE;  
WEST COAST LEAF; WINNIPEG POLICE SERVICE; WOMEN OF THE METIS  
NATION; WOMEN TRANSFORMING CITIES; WOMEN'S LEGAL EDUCATION  
AND ACTION FUND INC.