



**IN THE MATTER OF: NOTICE OF INTENTION TO ISSUE AN ORDER  
PURSUANT TO THE TERMS OF REFERENCE BY THE  
COMMISSIONERS OF THE NATIONAL INQUIRY INTO  
MISSING AND MURDERED INDIGENOUS WOMEN AND  
GIRLS**

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**SCHEDULE B – ADDITIONAL GROUNDS**

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1. The Order in Council of fourteen federal, provincial and territorial governments established a National Inquiry to begin September 1<sup>st</sup>, 2016 and end December 31<sup>st</sup> 2018. The National Inquiry was to report on systemic and institutional causes of all forms of violence against Indigenous women, girls and 2SLGBTQQIA persons and determine concrete and effective action to remove violence and create safety for Indigenous women, girls and 2SLGBTQQIA persons.
2. Section d of the Terms of Reference established pursuant to the Order in Council PC 2016-0736 authorizes the Commissioners of the National Inquiry into Missing and Murdered Indigenous Women and Girls (the "National Inquiry"), to adopt any procedures that they consider expedient for the proper conduct of the National Inquiry.
3. The Commissioners of the National Inquiry did establish procedures as set out in the *Legal Path: Rules of respectful practice for the National Inquiry into Missing and Murdered Indigenous Women and Girls* (the "**Legal Path**") pursuant to the Terms of Reference to fulfill their mandate.



4. The Commissioners of the National Inquiry did from time to time, declare part of it is Truth Gathering Process pursuant the *Legal Path* to be in camera, order publication bans, issue sealing orders as well as impose anonymity orders, or took such other measures as they decided appropriate, to gather information including oral, written and recorded statements from witnesses.
5. Chapter 9 of *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (the “**Final Report**”) speaks to witnesses the National Inquiry provided them with a space to share their truth for the first time and due to their immense courage to share they were able to begin their healing journey. Further, it must be acknowledged that the private in camera environment gave witnesses the freedom to share their truth and healing in an honest and candid way without limitations or fears of public repercussions. These truths and healing journeys need to be protected so witnesses are not further victimized by breaches to their confidentiality and jeopardize their healing journey.
6. The National Inquiry, was the first National Inquiry in Canadian History which also meant observing the legislative obligations of fourteen varying jurisdictions.
7. The National Inquiry also faced many procurement and technological delays as a result of Federal Government rules and services the National Inquiry was required to utilize which significantly delayed their work for almost a year.
8. A two year extension to the mandate was sought however, only 6 additional months were provided.



9. The National Inquiry held twenty four hearings; heard from 1,484 family members and survivors; intervened at the Supreme Court of Canada; engaged in public awareness and education initiatives; collected 819 artistic expressions and consulted various groups.
10. The National Inquiry has heard powerful evidence regarding the need to rebuild and create space for restoring dignity in decision making and Indigenous laws so that they are understood, accessible and applicable. It is important to acknowledge that the truths and stories shared with the National Inquiry contain community knowledge and Indigenous Laws that are part of managing behaviour and relationships and help solve problems. It is also of important to recognize the need for collaborative and collective efforts on rebuilding Indigenous Law principles and tools.
11. Canadian laws are not strictly prescriptive. For instance, section 3 of the Privacy Act discusses considerations of “personal information”. This may be an opportunity to broaden the scope of section 3 of the Privacy Act in order to include various Indigenous Laws and perspectives in relation to privacy.
12. In addition, the subject matter of the National Inquiry was violence against Indigenous women and the inappropriate publication of records of individual witnesses could further perpetuate violence against women.
13. Despite best efforts and good faith of all parties involved, the National Inquiry at this time has failed to conclude necessary agreements with several jurisdictions regarding the record. Therefore, the National Inquiry believes it is necessary to issue the Draft Order to expedite the deposit of the records and papers given the lack of time afforded to perform this task and to ensure National Inquiry records are handled consistently and carefully;



National Inquiry into Missing and Murdered Indigenous Women and Girls  
Enquête nationale sur les femmes et les filles autochtones disparues et assassinées



and to protect and honour all the voices that were heard during the National Inquiry proceedings.