

# **APPENDIX D: OVERVIEW OF OTHER PROCESS RECOMMENDATIONS**

## **INTRODUCTION**

The following is a compilation of recommendations from reports of inquiries, committees, and non-governmental organizations, all of which address the issue of violence against Indigenous women. The overview was created as a way to take stock of what we know about missing and murdered Indigenous women and girls from existing processes. Further review is needed to determine which of the recommendations remain outstanding.

For ease of reference, recommendations are organized according to themes and headings. Each report in this overview presents a response to a specific issue. The scope of these reports is limited in terms of who they represent, who is consulted, and the restrictions of the process used. It is important to be aware of these limitations, and to understand that the recommendations may not truly reflect the community perspective. However, they do provide an agreeable starting point for further discussion.

The recommendations can be a strong persuasive tool for moving the issue of violence against Indigenous women forward, especially when dealing with government or the public at large.

The following reports are included:

### Federal and Inter-Provincial Reports

- Report of the Royal Commission on Aboriginal Peoples (1996)
- Canadian Intergovernmental Conference Secretariat, Missing Women Working Group: Report and Recommendations On Issues Related to the High Number of Murdered and Missing Women in Canada (2012)
- Invisible Women: A Call to Action – A Report on Missing and Murdered Indigenous Women in Canada by the House of Commons Special Committee on Violence Against Indigenous Women (2014)
- Honouring the Truth, Reconciling for the Future – Summary of the Final Report of the Truth and Reconciliation Committee Canada (2015)

### Provincial Reports

- Report of the Aboriginal Justice Inquiry of Manitoba (1991)
- Report of the Commission of Inquiry Into Matters Relating to the Death of Neil Stonechild (Saskatchewan, 2004)
- Office of the Child's Advocate Report “Strengthening Our Youth: The Journey to Competence and Independence” (Manitoba, 2006)
- Report of the Ipperwash Inquiry (Ontario, 2007)
- Ombudsman's Report on Manitoba's Employment and Income Assistance Program (2010)
- Forsaken: Report of the Missing Women Commission of Inquiry (British Columbia 2012)

- Achieving the Best For All Our Children: Report of the Commission of Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair (Manitoba, 2014)

### Non-Governmental Organizations

- Amnesty International: Stolen Sisters –A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada (2004)
- Native Women's Association of Canada: Sexual Exploitation and Trafficking of Aboriginal Women and Girls (2014)
- Assembly of Manitoba Chiefs: Bringing Our Children Home Report and Recommendations (2014)
- Inter-American Commission on Human Rights: Missing And Murdered Indigenous Women in British Columbia, Canada (2014)

### Other

- United Nations Convention on the Elimination of All Forms of Discrimination Against Women: Report of the inquiry concerning Canada of the Committee of the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (2015)

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## **Government Leadership**

# HONOURING THE MEMORY OF MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

## Summary

Recommendations are aimed at supporting family members of victims and ensuring that the memory of victims is respected through efforts to raise public awareness of violence against women and steps to prevent further harm.

## Special Committee on Violence Against Indigenous Women

- That the federal government learn from the stories of the families of missing and murdered Aboriginal women and girls and work with the provinces, territories and municipalities to create a public awareness and prevention campaign focusing on violence against Aboriginal women and girls in Canada.<sup>1</sup>

## Missing Women Commission of Inquiry

- That Provincial Government establish a compensation fund for the children of the missing and murdered women.<sup>2</sup>
- That Provincial Government establish a healing fund for families of the missing and murdered women. These funds should be accessed through an application process pursuant to established guidelines.<sup>3</sup>
- That Provincial Government appoint two advisors, including one Aboriginal Elder, to consult with all affected parties regarding the structure and format of this facilitated reconciliation process and to consider mechanisms for funding it. These consultations and recommendations could be undertaken together with recommendation.<sup>4</sup>
- That Provincial Government appoint an independent advisor to serve as a champion for the implementation of the Commission's recommendations. This appointment should take effect within 12 weeks of release of the report.<sup>5</sup>
- That the independent advisor work collaboratively with representatives of Aboriginal communities, the DTES [Downtown East Side], and the victims' families in the implementation process.<sup>6</sup>
- That Provincial Government fund a collaborative action research project on the entry of young women into the sex trade, especially Aboriginal women who are often homeless during the transition from reserves or foster homes to urban centres, and to develop an action plan to facilitate and support exiting the survival sex trade.<sup>7</sup>

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1 Committee on Violence Against Indigenous Women 1.

2 Missing Women Inquiry 3.2.

3 Missing Women Inquiry 3.3.

4 Missing Women Inquiry 3.4.

5 Missing Women Inquiry 12.1.

6 Missing Women Inquiry 12.2.

7 Missing Women Inquiry 6.5.

## Amnesty International: Stolen Sisters Report

- All levels of government, including Indigenous governance structures, should:
  - publicly condemn the high rates of violence against Indigenous women - whether within Indigenous communities or society as a whole - and make public their plans to address the crisis.
  - undertake a review of outstanding recommendations from Canadian commissions, inquiries and inquests pertaining to the safety and welfare of Indigenous people with a view to ensuring their timely implementation.<sup>8</sup>

## TRC Report

- We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of appropriate memorial ceremonies and commemorative markers to honour the deceased children.<sup>9</sup>
- We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles:
  - The Aboriginal community most affected shall lead the development of such strategies.
  - Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.
  - Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site.<sup>10</sup>
- We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to:
  - Amending the *Historic Sites and Monuments Act* to include First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat.
  - Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history.
  - Developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history.<sup>11</sup>
- We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their

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8 Stolen Sisters, Recommendation 1.

9 TRC Report, 310.

10 TRC Report, 312.

11 TRC Report, 340.

families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.<sup>12</sup>

- We call upon the federal government, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.<sup>13</sup>
- We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.<sup>14</sup>

## **SAFETY AND SECURITY MEASURES**

### **Summary**

Recommendations are aimed at addressing the immediate need for protection of women and girls who face violence in their daily lives, whether they live on reserves or in urban areas. This includes shelters and counselling services, to be provided by aboriginal women wherever possible. Special attention has been given to the period of instability and vulnerability that comes with the transition from rural to urban life. Violence that accompanies sex work is also given special consideration. Most of the recommendations acknowledge the need for accessible safe places in both urban and rural settings.

### **A. Safety and Security for Women and Children**

#### **Special Committee on Violence Against Indigenous Women**

- That the federal government engage First Nation communities to examine how to improve supports for shelters and front-line services on reserve for victims of violence.<sup>15</sup>

#### **Missing Women Commission of Inquiry**

- That Provincial Government provide additional funding to Aboriginal women's organizations to provide more safe houses and counselling programs run for and by Aboriginal women and youth.<sup>16</sup>
- To develop and implement an enhanced public transit system to provide a safer travel option connecting the Northern communities, particularly along Highway 16.<sup>17</sup>

#### **Amnesty International: Stolen Sisters**

- Federal and provincial governments, with the full participation of Indigenous women, should

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12 TRC Report, 340.

13 TRC Report, 340.

14 TRC Report, 340.

15 Committee on Violence Against Indigenous Women 8.

16 Missing Women Inquiry 6.4.

17 Missing Women Inquiry 2.

organize a high level intergovernmental and interdepartmental meeting to ensure proper coordination and information sharing on initiatives to address the safety and welfare of Indigenous women and girls.<sup>18</sup>

### Intergovernmental Missing Women Working Group Report

- The MWWG recommends that municipalities and First Nations, as appropriate, work with relevant community agencies and police to establish programs at key places where women rely heavily on hitchhiking, and incorporate strategies such as the shuttle bus transportation system recommended in the Highway of Tears Symposium Recommendation Report.<sup>19</sup>

## **B. Safety for Sex Workers**

### Special Committee on Violence Against Indigenous Women

- That the federal government continue to take appropriate action to reduce human trafficking and to reduce the violence and harm associated with prostitution.<sup>20</sup>

### Missing Women Commission of Inquiry

- To provide funding to existing centres that provide emergency services to women engaged in the sex trade to enable them to remain open 24 hours per day.<sup>21</sup>

### CEDAW Report

- That the federal government should pay special attention to Aboriginal women in prostitution in legislative reform to ensure women are not criminalized.<sup>22</sup>
- Develop support and exit programs targeted at Aboriginal women in prostitution.<sup>23</sup>
- Study trafficking of Aboriginal women and girls and ensure protection and assistance to Aboriginal victims of trafficking.<sup>24</sup>
- Increase trafficking prevention through cooperation with other governments.<sup>25</sup>

## **C. Domestic Violence and Violence On-Reserve**

### Missing Women Commission of Inquiry

- That Provincial Government provide additional funding to Aboriginal women's organizations to

18 Stolen Sisters, recommendation 5.

19 Canadian Intergovernmental Conference Secretariat, Coordinating Committee of Senior Officials (Criminal) Missing Women Working Group. *Report and Recommendations On Issues Related to the High Number of Murdered and Missing Women in Canada*. January 2012. [Intergovernmental Missing Women Working Group Report], recommendation #2. Available online at: <http://www.scics.gc.ca/cmfiles/831-016005-we11hop-1262012-7454.pdf>.

20 Committee on Violence Against Indigenous Women. 13.

21 Missing Women Inquiry 1.

22 CEDAW Report 49.

23 CEDAW Report 49.

24 CEDAW Report 49.

25 CEDAW Report 50.



create programs addressing violence on reserves, so that fewer women and youth are forced to escape to urban areas.<sup>26</sup>

### Royal Commission on Aboriginal Peoples

- Aboriginal leaders take a firm, public stance in support of the right to freedom from violence of all members in the community, but particularly of women, children, elders, persons with disabilities and others who may be vulnerable, as well as in support of a policy of zero tolerance of actions that violate the physical or emotional safety of Aboriginal persons.<sup>27</sup>

### Aboriginal Justice Inquiry

- Shelters and safe homes for abused women and children be established in Aboriginal communities and in urban centres. These shelters should be controlled by Aboriginal women who can provide culturally appropriate services.<sup>28</sup>

### Missing and Murdered Indigenous Women in British Columbia, Canada

- It is recommended that integral support services be provided to Indigenous women who want to remove themselves from an abusive situation.<sup>29</sup>

### CEDAW Report

- Provide sufficient funding for legal aid and make it available to Aboriginal women, particularly for family, child welfare, and violence matters.<sup>30</sup>
- Address all forms of violence against Aboriginal women.<sup>31</sup>

## **D. Urban Transition**

### Phoenix Sinclair Inquiry

- That supports for families transitioning from First Nation communities to urban centres be expanded and enhanced. To this end, Manitoba should collaborate with First Nations and other levels of government.<sup>32</sup>

### Missing Women Commission of Inquiry

- That Provincial Government fund a community consultation process led by Aboriginal organizations to develop and implement a pilot project designed to ensure the safety of vulnerable Aboriginal youth during the rural-urban transition.<sup>33</sup>

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26 Missing Women Inquiry 6.3.

27 RCAP 3.2.6.

28 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, "The Abuse of Women and Children," 3<sup>rd</sup> bullet from the top.

29 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 125.

30 CEDAW Report 49.

31 CEDAW Report 49.

32 Phoenix Sinclair Inquiry 52.

33 Missing Women Inquiry 6.2.

# POLICING AND JUSTICE

## Summary

Recommendations are aimed at improving the responsiveness and accountability of police. Many of the recommendations are directed at overcoming institutional apathy and racism. Other recommendations are intended to adopt best practices and more effective investigative procedures for dealing with violence against women and missing persons.

## A. Processes for Addressing Complaints

### Stonechild Inquiry

- That the Minister of Justice review and improve procedures established to deal with complaints from members of the public about inappropriate police conduct. Informational pamphlets should be provided in the waiting and interview rooms of all police stations in Saskatchewan explaining the complaint process. The forms should contain a section that can be removed from the pamphlet and used as a complaint form. It should contain directions as to where the form may be sent, either to a particular office in the Police Service, the Board of Police Commissioners, the Saskatchewan Police Commission, or to the Provincial Complaints Investigator charged with dealing with complaints against police.<sup>34</sup>
- That Municipal Police Services in larger centres should designate an Aboriginal peace officer with the rank of Sergeant, where possible, to act as a liaison person for First Nation persons and as an informal ombudsman to deal with complaints and concerns from Aboriginal and persons from minority communities.<sup>35</sup>
- That each Municipal Police Force provide to the Minister of Justice an annual report as to complaints about police officers in its service and the disposition of the complaints.<sup>36</sup>

### Ipperwash Inquiry

- Bill 103, the *Independent Police Review Act*, 2006 should be reviewed to ensure that internally generated complaints related to a police service are handled by the Independent Police Review Director, including complaints relating to racism and other culturally insensitive behaviour.<sup>37</sup>
- The Independent Police Review Director should determine the most appropriate policy to be followed by his or her office and police services in Ontario in handling complaints of misconduct involving racism and other culturally insensitive conduct, including the role, if any, for informal discipline. The Independent Police Review Director should consult with community and Aboriginal organizations when developing this policy.<sup>38</sup>

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34 Stonechild 4.

35 Stonechild 5.

36 Stonechild 6.

37 Ipperwash 67.

38 Ipperwash 68.

- The Ministry of Community Safety and Correctional Services should issue a directive to all police services in Ontario, including the OPP, requiring police officers to report incidents of racism or other culturally insensitive behaviour by other officers to their supervisors.<sup>39</sup>
- The OPP should establish an internal process to ensure that racist and other culturally insensitive behaviour by police officers is dealt with publicly.<sup>40</sup>

### Missing Women Commission of Inquiry

- That the Police Complaint Commissioner, working with police forces across the Province, take steps to develop, promote and refine informal methods of police discipline, particularly in marginalized communities such as the Downtown East Side and with Aboriginal communities.<sup>41</sup>
- That Provincial Government engage with the RCMP in order to bring them into the provincial complaints process.<sup>42</sup>

### CEDAW Report

- Ensure the independence of oversight bodies to investigate police misconduct and abuse.<sup>43</sup>
- Ensure that Aboriginal women have effective access to existing complaint procedures to challenge police conduct.<sup>44</sup>
- Promote use of the *Canadian Human Rights Act* by Aboriginal women to challenge violence and discrimination.<sup>45</sup>

### TRC Report

- We call upon the federal government to establish a written policy that reaffirms the independence of the Royal Canadian Mounted Police to investigate crimes in which the government has its own interest as a potential or real party in civil litigation.<sup>46</sup>

## **B. Recruitment of Aboriginal Police Officers**

### Stonechild Inquiry

- That the Minister of Justice establish an advisory board composed of Police Service members charged with recruitment, representatives of the Aboriginal and non-Aboriginal communities and representatives from the private and public sectors who are knowledgeable about employee recruitment. The purpose of the board will be to recommend programs to encourage First Nations persons to enter Municipal Police Service.<sup>47</sup>

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39 Ipperwash 69.

40 Ipperwash 70.

41 Missing Women Inquiry 4.13.

42 Missing Women Inquiry 4.14.

43 CEDAW Report 48.

44 CEDAW Report 48.

45 CEDAW Report 51.

46 TRC Report, 212.

47 Stonechild 3.

## Missing Women Commission of Inquiry

- That additional steps need to be taken to ensure representation of vulnerable and marginalized members and Aboriginal peoples on police boards.<sup>48</sup>

## Aboriginal Justice Inquiry

- Police forces immediately institute employment equity programs to achieve Aboriginal representation equivalent to the Aboriginal proportion of the Manitoba population.<sup>49</sup>
- As soon as possible, Aboriginal police forces take over from the RCMP the responsibility for providing all police services in Aboriginal communities.<sup>50</sup>
- The Winnipeg Police Department be required to report publicly the progress of its employment equity program to the Minister of Justice.<sup>51</sup>
- A portion of the funding provided by the Province to the City of Winnipeg for police salaries be conditional on the Winnipeg Police Department's using that funding only for the hiring of Aboriginal police officers.<sup>52</sup>
- The assignment of Aboriginal police officers not be restricted to the core area or other Aboriginal areas of the city of Winnipeg.<sup>53</sup>
- *The Provincial Police Act* be amended to provide for the establishment of a provincial Aboriginal Police Commission with authority to prepare and enforce a wide range of regulations covering recruitment, training, equipment, procedures, supervision of, and support for, Aboriginal police forces in Manitoba.<sup>54</sup>
- *The Provincial Police Act* be amended to provide for the appointment of an Aboriginal Police Commissioner, to serve the Aboriginal Police Commission, with any such person being selected by Aboriginal organizations responsible for Aboriginal police forces.<sup>55</sup>
- An Aboriginal Justice Commission of Manitoba be established by legislation and by appropriate processes of the Aboriginal people of Manitoba, with a board of directors made up of equal numbers of Aboriginal and government representatives, and an independent chairperson. The commission should be provided with all necessary staff and resources.<sup>56</sup>

## CEDAW Report

- Increase the number of female police officers and Aboriginal police officers.<sup>57</sup>

## **C. Improvements to Officer Training**

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48 Missing Women Inquiry 11.3.

49 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, Policing – “Employment Equity Programs.”

50 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, Policing - “Police Forces in Manitoba”, first bullet.

51 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, Policing - “Police Forces in Manitoba”, seventh bullet.

52 Ibid.

53 Ibid.

54 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, Policing - “Aboriginal Policing”, first bullet.

55 Ibid.

56 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, A Strategy for Action, “Aboriginal Justice Commission.

57 CEDAW Report 47.

## Special Committee on Violence Against Indigenous Women

- That the federal government encourage Aboriginal organizations, the Canadian Police College and municipal, provincial and territorial governments to improve police officer training, including continuing education, to foster cultural understanding and sensitivity.<sup>58</sup>

## Stonechild Inquiry

- That municipal peace officers receive in-depth training in race relations. The training should include information about Aboriginal culture, history, societal and family structures. A refresher course should be provided every three years. It is important that course leaders include Aboriginal peace officers, including members of the RCMP.<sup>59</sup>
- That a review be undertaken of the courses that police candidates take in anger management and dispute resolution. Given the sometimes highly emotional and stressful conditions officers face in their work, it is important that the first responders be specially trained to react professionally and appropriately.<sup>60</sup>

## Ipperwash Inquiry

- The federal and provincial governments should increase capital and operational funding for First Nation police services in Ontario. This funding should be secured by renewable, five-year agreements between the federal, provincial, and First Nation governments.<sup>61</sup>
- The OPP should maintain its Native Awareness Training and related police/Aboriginal relations initiatives as a high priority and devote a commensurate level of resources and executive support to them.<sup>62</sup>

## Missing Women Commission of Inquiry

- That the Minister of Justice direct the Director of Police Services to undertake equality audits of police forces in British Columbia with a focus on police duty to protect marginalized and Aboriginal women from violence. These audits should be carried out by an external agency and with meaningful community involvement.<sup>63</sup>
- That Provincial Government set a provincial standard establishing that police officers have a general and binding duty to promote equality and to refrain from discriminatory policing.<sup>64</sup>
- That police officers be required to undergo mandatory and ongoing experiential and interactive training concerning vulnerable community members:
  - Active engagement in overcoming biases, rather than more passive sensitivity training

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58 Committee on Violence Against Indigenous Women 12.

59 Stonechild 7.

60 Stonechild 8.

61 Ipperwash 62.

62 Ipperwash 63.

63 Missing Women Inquiry 4.1.

64 Missing Women Inquiry 4.2.

(sometimes called anti-oppression training);

- More intensive and ongoing training in the history and current status of Aboriginal peoples in the province and in the specific community, particularly with respect to the ongoing effects of residential schools and the child welfare system;
- Training and resources to make prevention of violence against Aboriginal women a genuine priority;
- Training to ensure an understanding of violence against women in a range of settings including family violence, child sexual exploitation and violence against women in the sex trade;
- in particular, the scenarios used in police training should incorporate issues of cultural sensitivity and violence against women; and
- Training in recognizing the special needs of vulnerable individuals and how to meet those needs, including recognition of a higher standard of care owed by the police to these individuals.<sup>65</sup>

### Aboriginal Justice Inquiry

- Cross-cultural education components of all police training courses be reviewed and strengthened, and this process actively involve members of the Aboriginal community, resource persons and recognized experts.
  - All police officers be rotated through cross-cultural education programs, and periodic refresher programs be provided as part of the regular professional development programs of all police departments.
  - Any police recruits displaying racist attitudes be screened out of training, and police officers who display such conduct after joining the force be required to take further training or, if necessary, be formally disciplined or dismissed.<sup>66</sup>
- Federal, provincial and municipal governments, individually or in concert, with the assistance and involvement of Aboriginal people, establish formal cross-cultural educational programs for all those working in any part of the justice system who have even occasional contact with Aboriginal people.<sup>67</sup>

### NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls

- Provide training for police on what constitutes domestic human trafficking for sexual exploitation so that they are more familiar with the characteristics and signs to watch for (including situations where the victims may not tell the truth because they fear for their life).<sup>68</sup>
- Provide gender and culture sensitivity training for officers for trafficked and prostituted women so that they can be seen as an advocate and protector rather than further traumatizing women

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65 Missing Women Inquiry 4.12.

66 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, Policing, “Cross-Cultural Training.”

67 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, A Strategy for Action, “Cross-Cultural Issues.”

68 NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls p. 65.

and girls through their intervention.<sup>69</sup>

### Intergovernmental Missing Women Working Group Report

- The MWWG recommends that jurisdictions encourage law enforcement training authorities to include in police training information about the multiple factors that are characteristic of individuals who commit serial sexual offences.<sup>70</sup>
- The MWWG recommends that jurisdictions encourage police training on missing persons investigations to incorporate specific information respecting Aboriginal people and particularly Aboriginal women, in order to enhance cultural sensitivity and mitigate any potential distrust on behalf of the families caused by past relationships.<sup>71</sup>

### Missing And Murdered Indigenous Women in British Columbia, Canada

- Police officers and public sector functionaries should receive mandatory and ongoing training in the causes and consequences of gender-based violence in general, and violence against Indigenous women in particular. This includes training on the police duty to protect Indigenous women from violence.<sup>72</sup>

### CEDAW Report

- Significantly strengthen awareness-raising on Aboriginal culture for justice system workers.<sup>73</sup>
- Take steps to repair relationships and improve communication between authorities and Aboriginal communities.<sup>74</sup>

## **D. Community Liaisons**

### Ipperwash Inquiry

- The OPP should develop active, ongoing monitoring strategies for its police/Aboriginal relations strategy and programs, including:
  - commissioning an independent, third-party evaluation of its Native Awareness Training and recruitment initiatives;
  - commissioning data collection studies to evaluate police decision-making and operations. These studies should be designed in partnership with First Nation organizations and the Ontario Provincial Police Association, if possible; and
  - working with First Nations organizations to develop a more formal monitoring and implementation program for the OPP police/Aboriginal programs.<sup>75</sup>

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69 Ibid.

70 Intergovernmental Missing Women Working Group Report, recommendation #11.

71 Intergovernmental Missing Women Working Group Report, recommendation #29.

72 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 124.

73 CEDAW Report 49.

74 CEDAW Report 50.

75 Ipperwash 64.

- The provincial government should develop a provincial police/Aboriginal relations strategy. This strategy should publicly confirm the commitment by the province to improving police/Aboriginal relations in Ontario. Elements of this strategy should include the following:
  - The Ministry of Community Safety and Correctional Services should work with the OPP and Aboriginal organizations to develop a provincial policy supporting the OPP police/Aboriginal relations programs.
  - The Ministry of Community Safety and Correctional Services should work with the OPP, Aboriginal organizations, other police services, and the Ontario Human Rights Commission to identify and circulate best practices in police/Aboriginal relations.
  - The Ministry of Community Safety and Correctional Services should develop a provincial research and data collection strategy to promote improved police/Aboriginal relations policy and programs and bias-free policing across Ontario.
  - The Ministry of Community Safety and Correctional Services should issue a guideline for police forces in Ontario promoting best practices in police/Aboriginal relations.
  - The Ministry of Natural Resources should develop and implement a dedicated MNR/Aboriginal relations strategy, consistent with the analysis and recommendations in this report.<sup>76</sup>

### Missing Women Commission of Inquiry

- That police forces work with local communities to develop communication strategies for the issuance of warnings that ensure the message is conveyed to community members who are most at risk of the specific threat.<sup>77</sup>
- That SisterWatch be evaluated to provide a basis for further refinements and with a view to establishing best practices for meaningful police-community partnerships; and that these best practices be shared with other police forces to encourage them to develop and maintain ongoing, collaborative community forums.<sup>78</sup>
- That the Provincial Government fund additional full-time Sex Trade Liaison Officer positions in the Lower Mainland.<sup>79</sup>
- That the VPD establish a position of Aboriginal Liaison Officer whose responsibilities would include assisting Aboriginal persons in their interactions with the Missing Persons Unit.<sup>80</sup>

### Amnesty International: Stolen Sisters

- Meetings with Indigenous women leaders and other community members should be organized to build understanding of the specific risks to Indigenous women in Canadian society and establish and strengthen relationships of trust between police and Indigenous communities.<sup>81</sup>

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76 Ipperwash 65.

77 Missing Women Inquiry 4.7,

78 Missing Women Inquiry 5.1

79 Missing Women Inquiry 5.4,

80 Missing Women Inquiry 5.7

81 Stolen Sisters, recommendation 4.



- All police departments should review issues of workload, staffing levels and job rotation to ensure officers have the opportunity to become familiar with and can develop relations of trust with the specific communities they are intended to serve and protect.<sup>82</sup>
- Police should work closely with Indigenous women's organizations and other frontline groups to identify and implement effective protocols for action on missing persons cases, with a view to developing standards for police response in keeping with the risks to Indigenous women and girls.<sup>83</sup>

### NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls

- Police should engage in outreach programs to the sex-trafficked vulnerable and the victim's community to help build trust and dialogue to encourage Aboriginal women and girls to approach them when they are in need.<sup>84</sup>

### Intergovernmental Missing Women Working Group Report

- Jurisdictions [should] work with justice system partners such as local police, community justice services, Aboriginal court workers, and victims' services to support Aboriginal communities and organizations to assess safety risks to Aboriginal women and to develop local plans to respond to those risks.<sup>85</sup>
- In order to target police resources effectively, the MWWG recommends that jurisdictions support, where appropriate, police consideration of:
  - developing approaches to target high risk youth;
  - establishing collaborative approaches with relevant non-police agencies to assess the level of police intervention required in particular missing person cases, such as chronic run-away children.<sup>86</sup>
- The MWWG recommends that jurisdictions encourage police forces to work with Aboriginal organizations to develop and disseminate tools and information about the reporting process for missing women that reflects different literacy levels and is available in a range of languages/formats.<sup>87</sup>

### CEDAW Report

- Consider establishing a National Missing Persons Office and consider involving Aboriginal liaison officers.<sup>88</sup>
- Increase efforts to build trust between police and Aboriginal communities.<sup>89</sup>

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82 Ibid.

83 Stolen Sisters, recommendation 3.

84 NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls, p. 66.

85 Intergovernmental Missing Women Working Group Report, recommendation #3.

86 Intergovernmental Missing Women Working Group Report, recommendation #24.

87 Intergovernmental Missing Women Working Group Report, recommendation #28.

88 CEDAW Report 47.

89 CEDAW Report 48.

## **E. Improved Standards for Police and Prosecutors**

### **Special Committee on Violence Against Indigenous Women**

- That the federal government continue strengthening the criminal justice system to ensure, among other things, that violent and repeat offenders serve appropriate sentences.<sup>90</sup>

### **Missing Women Commission of Inquiry**

- That Provincial Government develop and implement a Crown Vulnerable Women Assault Policy to provide guidance on the prosecution of crimes of violence against vulnerable women, including women engaged in the sex trade.<sup>91</sup>
- That Provincial Government direct the Director of Police Services to consult with the BC Association of Municipal Chiefs of Police, the RCMP and community representatives to recommend the wording of a statutory provision on the legal duty to warn and a protocol on how it should be interpreted and applied.<sup>92</sup>
- That all police forces in British Columbia consider developing and implementing guidelines on the model of the Vancouver Police Department's Sex Work Enforcement Guidelines in consultation with women engaged in the sex trade in their jurisdiction.<sup>93</sup>
- That the Minister of Justice consult with the judiciary, police and community representatives to develop a protocol providing the police with the discretion not to enforce a warrant in a circumstance where a sex trade worker is attempting to report a violent crime.<sup>94</sup>

### **Aboriginal Justice Inquiry**

- Police forces establish family abuse teams which include police officers and social workers trained in dealing with domestic disputes. Such teams should make extensive use of electronic record-keeping and community resources.<sup>95</sup>

### **Amnesty International: Stolen Sisters**

- As part of ongoing review and implementation of laws regarding the sex trade in Canada, give police clear instructions to ensure that the fundamental rights of women involved in the sex trade are protected in the course of all law enforcement activities.<sup>96</sup>
- All police officers should receive adequate training to ensure an understanding of violence against women in a range of settings including family violence, child sexual exploitation, and violence against women in the sex trade.<sup>97</sup>

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90 Committee on Violence Against Indigenous Women 2.

91 Missing Women Inquiry 4.4.

92 Missing Women Inquiry 4.6.

93 Missing Women Inquiry 5.8.

94 Missing Women Inquiry 5.11.

95 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, Aboriginal Women, "The Abuse of Women and Children, at third bullet from top.

96 Stolen Sisters, Recommendation 3.

97 Stolen Sisters, Recommendation 4.

- Clear policies and practices should be established with respect to the timely provision of information, including autopsy results and coroners reports, to the families of missing and murdered persons.<sup>98</sup>
- Officers found to have failed to act on reports of missing women, or to have carried out biased or inadequate investigation of violence against women, should be subject to appropriate discipline.<sup>99</sup>

### NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls

- More explicit legislation, direction, and officer empowerment needs to be created to aid in the pursuit and successful prosecution of traffickers, pimps, and other purveyors of trafficked and sexually exploited women and girls.<sup>100</sup>

### Intergovernmental Missing Women Working Group Report

- The MWWG recommends that jurisdictions support justice agencies in developing plans for supporting those who have close contact with offensive material in cases involving missing and murdered women given the disturbing nature of these files.<sup>101</sup>

### Missing And Murdered Indigenous Women in British Columbia, Canada

- Canada should establish or strengthen accountability mechanisms – preferably through independent bodies – for officials handling investigations and prosecutions, and should provide legal aid and support services to families of MMIWG.<sup>102</sup>
- It is recommended that there be adequate oversight of officials responsible for responding to and investigating crimes of violence against women, and for ensuring that administrative, disciplinary and criminal measures are available to hold such officials accountable.<sup>103</sup>
- It is also recommended that indigenous women and their relatives who are seeking assistance from officials be provided with an available and effective procedure to file complaints in the case of noncompliance by such officials with their duties under the law, and information on how to initiate and pursue that procedure.<sup>104</sup>

### CEDAW Report

- Standardized, mandatory protocols for police agencies on how to respond to cases of missing and murdered Aboriginal women, including that: any person can report in any jurisdiction, police officers take seriously all reports, and the police regularly communicate with families of

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98 Stolen Sisters, recommendation 4.

99 Ibid.

100 NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls, p. 66.

101 Intergovernmental Missing Women Working Group Report, recommendation #52.

102 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 124.

103 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 125.

104 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 125.

missing women.<sup>105</sup>

## **F. Prevention of Repeat Offences**

### **Intergovernmental Missing Women Working Group Report**

- The MWWG recommends that FPT Ministers Responsible for Justice, in cooperation with other partners, should continue to provide adequate levels of monitoring, social support, and intervention to sex offenders to interrupt patterns of serial predation.<sup>106</sup>
- The MWWG recommends that jurisdictions support the use of risk assessment and monitoring of serious offenders, and support the work of Corrections authorities to continue to work towards improving these approaches.<sup>107</sup>
- The MWWG recommends that jurisdictions provide support to justice institutions, including correctional facilities and forensic psychiatric institutions, to develop and implement research-based therapeutic interventions that have the potential to interrupt paraphilic fantasies and the escalation of violence in sexual offenders.<sup>108</sup>

### **TRC Report**

- We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.<sup>109</sup>
- We call upon the federal government to provide more supports for Aboriginal programming in halfway houses and parole services.<sup>110</sup>

## **G. Addressing the Over-Representation of Indigenous People in the Criminal Justice System**

### **Missing And Murdered Indigenous Women in British Columbia, Canada**

- It is recommended that the social and economic marginalization of Indigenous women be tackled by addressing the disproportionate application of criminal law to Indigenous people.<sup>111</sup>

### **CEDAW Report**

- Work with Aboriginal women's representatives to create strategies for increasing access to justice for Aboriginal women, and to address the over-representation of Aboriginal women involved with the criminal justice system.<sup>112</sup>

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105 CEDAW Report 47- 48.

106 Intergovernmental Missing Women Working Group Report, recommendation #6.

107 Intergovernmental Missing Women Working Group Report, recommendation #10.

108 Intergovernmental Missing Women Working Group Report, recommendation #12.

109 TRC Report, 220.

110 TRC Report, 224.

111 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 123.

112 CEDAW Report 49.

- Address conditions and practices that result in over-criminalization and over-incarceration of Aboriginal women and girls, especially those based on institutionalized stereotyping.<sup>113</sup>

### TRC Report

- We call upon federal, provincial, and territorial governments to commit to eliminating the over-representation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.<sup>114</sup>
- We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the over-representation of Aboriginal youth in custody over the next decade.<sup>115</sup>

## **H. Aboriginal Justice Systems**

### TRC Report

- We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed by Canada in November 2012.<sup>116</sup>
- In keeping with the *United Nations Declaration on the Rights of Indigenous Peoples*, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, and understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.<sup>117</sup>

## **MISSING PERSONS INVESTIGATIONS**

### **Summary**

Generally, recommendations focus on creating standards for policing and investigations of cases relating to MMIWG particularly as it relates to in-take of missing person cases. The recommendations also point to the need for additional training for police personnel and increased information sharing and communication with the families and media.

### **A. Investigation Standards and Procedures**

#### Missing Women Commission of Inquiry

- That the provincial standards be developed by the Director of Police Services with the assistance of a committee consisting of representatives of the BC Association of Municipal Police Chiefs, the RCMP, representatives of community and Aboriginal groups, and

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113 CEDAW Report 49.

114 TRC Report, 219.

115 TRC Report, 225.

116 TRC Report, 228.

117 TRC Report, 260.

representatives of families of the missing and murdered women.<sup>118</sup>

- That proposed provincial missing persons standards include at least 15 components:
  - Definition of “missing person”;
  - Criteria for the acceptance of reports;
  - Jurisdiction;
  - Missing Person Risk Assessment Tool;
  - Provincial Missing Person Reporting Form;
  - Standards related to interaction with family/reportees;
  - Initial steps – background information;
  - Supervisory responsibility/quality control;
  - Forensic evidence standards;
  - Coroners’ Liaison;
  - Monitoring outstanding missing person cases;
  - Automatic annual review of unsolved cases;
  - Closing missing person files;
  - Prevention and intervention; and
  - The role and authority of the BCPMPC.<sup>119</sup>
- That the provincial standards require a proactive missing persons process whereby police must take prevention and intervention measures including “safe and well” checks when an individual is found.<sup>120</sup>
- That best practice protocols be established for:
  - enhanced victimology analysis of missing persons;
  - investigative steps in missing person cases;
  - collaborative missing person investigations collection;
  - storage and analysis of missing persons data; and,
  - training specific to missing person investigations.<sup>121</sup>
- That the Provincial Government establish a provincial partnership committee on missing persons to facilitate the collaboration of key players in the ongoing development of best practice protocols for missing person cases. The committee should be chaired by a senior government official and include representatives of the missing and murdered women’s families, Aboriginal

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118 Missing Women Inquiry 7.1.

119 Missing Women Inquiry 7.2.

120 Missing Women Inquiry 7.3.

121 Missing Women Inquiry 7.4.

organizations, community groups, service providers, police, and Victim Services.<sup>122</sup>

- That the Provincial Government establish an agency independent of all police agencies with the purposes to include co-ordinating information, identifying patterns, establishing base rates, checking on police investigations, ensuring accountability for linked inter-jurisdictional series, and warning the public. It should provide oversight and analytic functions, but it should not be an investigating entity.<sup>123</sup>

### Amnesty International: Stolen Sisters

- Police forces should provide specialized staffing to review and coordinate responses to missing persons cases.<sup>124</sup>

### Intergovernmental Missing Women Working Group Report

- In order to increase the likelihood that disappearance of marginalized women will be reported in a timely fashion, the MWWG recommends that jurisdictions encourage police to develop specialized positions within police agencies so that:
  - Knowledgeable personnel are given clear responsibility for contact with families and the public in missing person reports; and
  - Identified police personnel can link with vulnerable communities to increase awareness about reporting missing persons, specifically to:
    - let people know that the reporting of a missing person is not limited to immediate family members; and,
    - reassure individuals who may be associated with criminal lifestyles that they can access police services and report a disappearance without fear of arrest.<sup>125</sup>
- The MWWG encourages the FPT Ministers Responsible for Justice to ensure that police in their respective jurisdictions create appropriate standards for missing person cases, including that:
  - A report is taken immediately when information comes to the attention of police, regardless of the length of time the person has been missing or the location where the person went missing; and,
  - A standardized specialized in-take form for recording a missing person report and a specialized investigative checklist is used.<sup>126</sup>
- The MWWG recommends that jurisdictions support and encourage police to develop, as recommended in the Saskatchewan Provincial Partnership Committee on Missing Persons:
  - A common assessment tool to help assess the priority of the investigation; and,
  - A practice of entering cases on CPIC as soon as possible after it is established that the

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122 Missing Women Inquiry 7.5.

123 Missing Women Inquiry 7.6.

124 Stolen Sisters, recommendation 2.

125 Intergovernmental Missing Women Working Group Report, recommendation #14.

126 Intergovernmental Missing Women Working Group Report, recommendation #18.

person is missing.<sup>127</sup>

- The MWWG recommends that jurisdictions:
  - review the police response to missing Aboriginal person cases to understand barriers (cultural and systemic) to reporting and investigation and determine how police responses could be improved; and,
  - Encourage police to consider the need to develop standardized police intake forms and appropriate assessment criteria based on the risk profile of Aboriginal women to ensure an appropriate and consistent police response.<sup>128</sup>
- The MWWG recommends that cases matching the profile of women particularly vulnerable to serial predators be flagged as priority cases when a missing persons report is received.<sup>129</sup>
- The MWWG recommends that jurisdictions consider the provision of targeted funding to police agencies to ensure that there are adequate resources for dealing with cold case files.<sup>130</sup>

### Missing And Murdered Indigenous Women in British Columbia, Canada

- It is recommended that data collection systems be developed that collect accurate information on MMIWG, by consistently capturing the race of victims. It is also recommended that the state respond appropriately when a missing person report is filed, particularly for an Indigenous woman.<sup>131</sup>

### CEDAW Report

- Missing and murdered women cases should be duly investigated and prosecuted.<sup>132</sup>
- Systematically collect data, disaggregated by ethnicity of victims and offenders, on all forms of violence against women. Include information on Aboriginal women engaged in prostitution, trafficked women, and missing and murdered women. Make such data collection mandatory for all police detachments.<sup>133</sup>

## **B. Information Sharing**

### Special Committee on Violence Against Indigenous Women

- That the federal government implement a national DNA-based missing person's index.<sup>134</sup>
- That the federal government engage Aboriginal communities and municipal, provincial, and territorial governments to examine options to improving procedures among police services to

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127 Intergovernmental Missing Women Working Group Report, recommendation #19.

128 Intergovernmental Missing Women Working Group Report, recommendation #27.

129 Intergovernmental Missing Women Working Group Report, recommendation #30.

130 Intergovernmental Missing Women Working Group Report, recommendation #39.

131 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 124.

132 CEDAW Report 47.

133 CEDAW Report 48.

134 Committee on Violence Against Indigenous Women 4 (See also Oppal 8.5).



facilitate multi-partite investigations.<sup>135</sup>

### Missing Women Commission of Inquiry

- That provincial authorities create and maintain a provincial missing person website aimed at educating the public about the missing persons process and engaging them in proactive approaches to prevention and investigation.<sup>136</sup>
- That provincial authorities establish a provincial 1-800 phone number for the taking of missing person reports and accessing case information.<sup>137</sup>
- That representatives of the media be invited to be members of the provincial partnership committee and that the committee should develop a protocol on issues related to the role of the media in missing person investigations.<sup>138</sup>
- That Provincial Government enact missing persons legislation to grant speedy access to personal information of missing persons without unduly infringing on privacy rights. I recommend the adoption of single purpose legislation, as in Alberta and Manitoba, with a provision for a comprehensive review of the operation of the Act after five years.<sup>139</sup>
- That Provincial Government take active steps to support the development of a National DNA Missing Persons Index and to assist in overcoming the impasse on outstanding concerns over its creation and operationalization.<sup>140</sup>

### Intergovernmental Missing Women Working Group Report

- The MWWG recommends that Ministers ask the Canadian Association of Chiefs of Police to consider a national strategy to ensure consistency in reporting mechanisms for reporting missing persons. This could be developed in conjunction with implementation of a national data base.<sup>141</sup>
- The MWWG recommends that Federal, Provincial and Territorial governments consider the need for legislation that would allow police access to personal information of persons reported missing.<sup>142</sup>
- The MWWG recommends that FPT Ministers Responsible for Justice support, as a priority, the work of the Multi-Provincial Strategy on Missing Persons & Unidentified Remains to establish a national missing person database containing both police missing person information and information on unidentified human remains. This database should be accessible to and searchable by both police and coroners or medical examiners, with designated sections accessible to the public by website.<sup>143</sup>

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135 Committee on Violence Against Indigenous Women 11.

136 Missing Women Inquiry 7.7.

137 Missing Women Inquiry 7.8.

138 Missing Women Inquiry 7.10.

139 Missing Women Inquiry 8.1.

140 Missing Women Inquiry 8.5 (See also SCVAIW 4).

141 Intergovernmental Missing Women Working Group Report, recommendation #13.

142 Intergovernmental Missing Women Working Group Report, recommendation #20

143 Intergovernmental Missing Women Working Group Report, recommendation #22.

## CEDAW Report

- Develop mechanisms to ensure coordination among law enforcement agencies.<sup>144</sup>

## TRC Report

- We call upon all chief coroners and provincial vital statistics agencies that have not provided to the Truth and Reconciliation Commission of Canada their records on the deaths of Aboriginal children in the care of residential school authorities to make these documents available to the National Centre for Truth and Reconciliation.<sup>145</sup>
- We call upon the federal government to work with churches, Aboriginal communities, and former residential school students to establish and maintain an online registry of residential school cemeteries, including, where possible, plot maps showing the location of deceased residential school children.<sup>146</sup>
- We call upon the federal government to work with the churches and Aboriginal community leaders to inform the families of children who died at residential schools of the child's burial location, and to respond to families' wishes for appropriate commemoration ceremonies and markers, and reburial in home communities where requested.<sup>147</sup>

## **C. Communication with Families and Media**

### **Families**

#### **Intergovernmental Missing Women Working Group Report**

- The MWWG supports the Saskatchewan Final Report of the Provincial Partnership Committee on Missing Persons in urging that police continually communicate with families of missing persons in order to provide ongoing updates to them on the status of the case.<sup>148</sup>
- The MWWG supports the recommendation made in the Saskatchewan Provincial Partnership Committee on Missing Persons Report that tools be created for use as an information resource for families of the missing and/or murdered, such as a simple checklist for families to follow that outlines actions they can or should take during investigation and prosecution of the case.<sup>149</sup>
- Building on recommendations in the Saskatchewan Report, the MWWG recommends that consideration be given to an expansion of the Victims Services mandate to include provision of support to families of missing persons, and that protocol be developed between police and victim services for engagement and support of the families once that need has been identified.<sup>150</sup>
- The MWWG recommends that jurisdictions encourage and support, as appropriate, police services to consider using an Aboriginal liaison officer to work with Aboriginal families, wherever possible, and police and Aboriginal organizations/agencies to develop and implement

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144 CEDAW Report 48.

145 TRC Report, 310.

146 TRC Report, 310.

147 TRC Report, 310.

148 Intergovernmental Missing Women Working Group Report, recommendation #15.

149 Intergovernmental Missing Women Working Group Report, recommendation #16.

150 Intergovernmental Missing Women Working Group Report, recommendation #17.

protocols for working together and with Aboriginal families and communities.<sup>151</sup>

- The MWWG recommends that Heads of Prosecution and the FPT Working Group on Victims participate in the development of and distribution of best practices for police, prosecutors and Victims Services respectively to use when dealing with victims' families, witnesses and the media in missing and murdered persons cases.<sup>152</sup>

### Missing And Murdered Indigenous Women in British Columbia, Canada

- Canada should give special judicial protection to family members, particularly by improving mechanisms to ensure that such parties have access to information about the development of the investigation and about their rights in legal proceedings. The state should guarantee that family members or other affected parties can obtain legal aid that is effective and with which these parties feel comfortable.<sup>153</sup>

## **Media**

### Intergovernmental Missing Women Working Group Report

- The MWWG recommends that jurisdictions support the recommendations of the Saskatchewan Provincial Partnership Committee on Missing Persons regarding linkage with the public and non-police agencies, that a media and public communications protocol should be established to disseminate information about missing persons and to request the public's help in locating a missing person.<sup>154</sup>
- The MWWG recommends that jurisdictions encourage police investigators involved in cases of missing or murdered women to design and implement effective media plans in order to ensure proactive and strategic use of media sources for educating and soliciting information from the public concerning details of the investigation.<sup>155</sup>

### CEDAW Report

- CEDAW recommends that the state take effective measures to ensure that the media promote respect for Aboriginal women, including through the development of best practices to improve the portrayal of Aboriginal women in the media.<sup>156</sup>

## **POVERTY**

### **Summary**

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151 Intergovernmental Missing Women Working Group Report, recommendation #44.

152 Intergovernmental Missing Women Working Group Report, recommendation #47.

153 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 124.

154 Intergovernmental Missing Women Working Group Report, recommendation #25.

155 Intergovernmental Missing Women Working Group Report, recommendation #45.

156 CEDAW Report 51.

These recommendations recognize that poverty is a major source of insecurity and disadvantage which contributes to the vulnerability of aboriginal women and girls. Special attention is given to the need for adequate shelter and employment opportunities.

## **A. Poverty Reduction Measures**

### **Special Committee on Violence Against Indigenous Women**

- That the federal government examine options to address poverty as a root cause of violence against Aboriginal women and girls by empowering Aboriginal people through economic development opportunities and jobs and skills training.<sup>157</sup>

### **Ombudsman's Report on Manitoba's Employment and Income Assistance Program**

- It is recommended that anyone be able to apply for EIA without the need for prerequisite activities such as job searches and that program policy on this subject be clarified for field staff.<sup>158</sup>
- It is recommended that for people who are permanently disabled and exempted from employment expectations, such as those in the Supported Living Program and those eligible for CPP disability benefits, long term disability benefits be paid in amounts sufficient to meet the cost of their basic necessities, which would include predictable recurring needs arising from their disabilities.<sup>159</sup>

### **Phoenix Sinclair Inquiry**

- That the Province closely examine the 2009 report, *The View From Here: Manitobans Call for a Poverty Reduction Plan*, with a view to implementing the outstanding recommendations, paying particular attention to the area of adult education.<sup>160</sup>

### **Amnesty International: Stolen Sisters Report**

- The federal government should commit to fully implementing outstanding recommendations of the Royal Commission on Aboriginal Peoples which address poverty and social marginalization of Indigenous people in Canada, as has repeatedly been urged by United Nations treaty bodies.<sup>161</sup>

### **Missing And Murdered Indigenous Women in British Columbia, Canada**

- It is recommended that the social and economic marginalization of Indigenous women be addressed by combating poverty.<sup>162</sup>

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157 Committee on Violence Against Indigenous Women 7.

158 Manitoba Ombudsman's Report, Recommendation 11.

159 Manitoba Ombudsman's Report, Recommendation 30.

160 Phoenix Sinclair Inquiry 50.

161 Stolen Sisters, Recommendation 5.

162 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 123.

## CEDAW Report

- Take comprehensive measures to improve living conditions on and off-reserve.<sup>163</sup>
- Collect data, disaggregated by sex and Aboriginal status, on socioeconomic conditions of Aboriginal communities.<sup>164</sup>
- Develop strategies to address poverty, food security, housing, education, employment, health services, and safe transport.<sup>165</sup>

## **B. Insufficient and Unsafe Housing**

### Phoenix Sinclair Inquiry

- That the Province take the lead to work in concert with the federal and municipal governments, First Nations, and the private sector to develop further strategies to increase availability of a variety of affordable housing, including incentives and supports for landlords, developers, and community-based housing associations.<sup>166</sup>
- That social assistance housing allowances be increased to at least 75% of the median market rate.<sup>167</sup>

### Ombudsman's Report on Manitoba's Employment and Income Assistance Program

- It is recommended that no Manitoba resident be denied the opportunity to apply for EIA benefits due to the lack of an address.<sup>168</sup>
- It is recommended that the department institute a formal, documented process for reviewing and making recommendations for periodically updating basic and shelter rates, income and asset exemptions, and other income assistance allowances in a logical and equitable manner. It is recommended that in that process, program staff be consulted.<sup>169</sup>

### Bringing Our Children Home Report and Recommendations

- That First Nations leadership adapt Housing Policies to meet family reunification needs first and to keep children in the community; and that [Manitoba's] Chiefs-in-Assembly support the expansion of the Eagle Urban Transition Centre to include supports for youth and families involved with Child Welfare and to establish an Eagle Urban Transition Centre in Northern Manitoba inclusive of all services.<sup>170</sup>

### NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls

- Aboriginal women and girls need safe housing and safe spaces; homelessness and a lack of safe

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163 CEDAW Report 50.

164 CEDAW Report 50.

165 CEDAW Report 50.

166 Phoenix Sinclair Inquiry 49.

167 Phoenix Sinclair Inquiry 51.

168 Manitoba Ombudsman's Report, Recommendation 10.

169 Manitoba Ombudsman's Report, Recommendation 32.

170 Assembly of Manitoba Chiefs, "Bringing Our Children Home: Report and Recommendations," Recommendation 9.

places greatly increase the vulnerability of these women and girls. Immediate funding and long-term support are needed to provide for this housing shortage.<sup>171</sup>

### Missing And Murdered Indigenous Women in British Columbia, Canada

- It is recommended that the social and economic marginalization of Indigenous women be addressed by providing access to adequate housing.<sup>172</sup>

## **C. Unemployment and Underemployment**

### Royal Commission on Aboriginal Peoples

- The cost of affirmative action programs and services to address economic and social disadvantage affecting urban Aboriginal people be shared by the federal, provincial and territorial governments on the basis of a formula basis that reflects provincial/territorial fiscal capacity.<sup>173</sup>
- Federal, provincial and territorial governments commit themselves to providing the necessary funding, consistent with their jurisdictional responsibilities:
  - to implement and co-ordinate a comprehensive human resources development strategy;
  - to train 10,000 Aboriginal professionals over a 10-year period in health and social services, including medicine, nursing, mental health, psychology, social work, dentistry, nutrition, addictions, gerontology, public health, community development, planning, health administration, and other priority areas identified by Aboriginal people;
  - to support program development in educational institutions providing professional training, with preference given to Aboriginal institutions; and,
  - to ensure that student support through post-secondary educational assistance, scholarships, paid leave and other means is adequate to achieve the target.<sup>174</sup>

### Ombudsman's Report on Manitoba's Employment and Income Assistance Program

- It is recommended that the department develop a plan to provide intensive case management for people with multiple persistent barriers, to assess all barriers to employment and what supports are necessary to overcome those barriers. It is recommended that barriers should include social barriers, in addition to temporary disabilities or illness.<sup>175</sup>
- It is recommended that a comprehensive assessment tool be developed and used to assess each applicant to ensure that invisible barriers to employment are disclosed. It is recommended that staff receive training in the comprehensive assessment tool.<sup>176</sup>
- It is recommended that program policy around work expectations be revised to reflect the need

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171 NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls, p. 66.

172 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 123.

173 RCAP 4.7.4.

174 RCAP 3.3.14.

175 Manitoba Ombudsman's Report, Recommendation 25.

176 Manitoba Ombudsman's Report, Recommendation 26.

to assist participants in identifying and overcoming barriers to employment.<sup>177</sup>

- It is recommended that the program consider how to foster employment readiness for disability participants and sole support parents who are currently exempted from employment expectations, and address any barriers arising from disability or family responsibility, such as deficiencies in education or the lack of child care.<sup>178</sup>

### Amnesty International: Stolen Sisters

- In collaboration with Indigenous representatives and organizations, the federal government should take urgent action to address the chronic unemployment and poverty faced by Indigenous women and men both on and off reserve.<sup>179</sup>

### Missing And Murdered Indigenous Women in British Columbia, Canada

- It is recommended that the social and economic marginalization of Indigenous women be addressed by improving employment opportunities.<sup>180</sup>

## **GENDER INEQUALITY**

### **Summary**

Recommendations are aimed at addressing the unique economic and political disadvantages Aboriginal women face due to their gender and race. Most of the recommendations are intended to remove barriers to equal employment and political voice. Particular attention is paid to the need for research and greater involvement in politics, health and social services.

### **A. Employment and Opportunity Equity**

#### Royal Commission on Aboriginal Peoples

- Aboriginal governments and organizations provide for the full and fair participation of Aboriginal women in the governing bodies of all Aboriginal health and healing institutions.<sup>181</sup>
- The full and equal participation of women be ensured in decision-making bodies responsible for ensuring people's physical and emotional security, including justice committees and boards of directors of healing centres and lodges.<sup>182</sup>

#### NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls

- Implement a national action plan on addressing the systemic poverty of Aboriginal women and contributing factors; the national action plan should include skills development, training,

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177 Manitoba Ombudsman's Report, Recommendation 27.

178 Manitoba Ombudsman's Report, Recommendation 28.

179 Stolen Sisters, recommendation 5.

180 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 123.

181 RCAP 4.2.2.

182 RCAP 3.2.8.

economic development, micro and macro lending for businesses, financial literacy training, child care, and family supports for Aboriginal women to engage in the economy.<sup>183</sup>

## **B. Research and Other Initiatives**

### **Royal Commission on Aboriginal Peoples**

- The government of Canada provides funding to Aboriginal women's organizations, including urban-based groups, to:
  - improve their research capacity and facilitate their participation in all stages of discussion leading to the design and development of self-government processes; and
  - enable them to participate fully in all aspects of nation building, including developing criteria for citizenship and related appeal processes.<sup>184</sup>
- The government of Canada provide funds to the national Aboriginal organizations, including national Aboriginal women's organizations, to permit them to prepare a comprehensive human resources development strategy in health and social services that:
  - facilitates and draws upon regional initiatives, integrates information from diverse sources, and is structured to incorporate regular updating;
  - builds an inventory of Aboriginal human resources currently available in health and social services, identifying where, in what field and at what level Aboriginal personnel are currently practising;
  - assesses current and future Aboriginal human resources needs and identifies the actions needed on the part of governments, educational institutions and others to address these needs;
  - assesses requirements for direct service personnel as well as for planners, researchers and administrators;
  - collates an inventory and available evaluative data on training and education options;
  - explores recruitment, training and retention issues;
  - examines the personal and professional supports required to encourage Aboriginal professionals to practise in Aboriginal communities;
  - develops proposals for a system to monitor the status of Aboriginal human resources; and
  - develops an analysis of how, to the maximum extent possible, Aboriginal human resources development can be brought under Aboriginal control.<sup>185</sup>

### **Aboriginal Justice Inquiry**

- The *Indian Act* be amended to provide for the equal division of property upon marriage

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183 NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls, p. 64.

184 RCAP 4.2.1.

185 RCAP 3.3.13.



breakdown.<sup>186</sup>

### NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls

- Increase research focused on Aboriginal women and girls in Canada's domestic trafficking, and shed the pan-Aboriginal approach for more regionally and culturally specific research to address the varied needs of all Inuit, Métis, and First Nation women and girls accordingly.<sup>187</sup>
- Increase funding supports to Aboriginal communities and encourage partnerships between Aboriginal communities' leadership and relevant stakeholders on issues of sexual exploitation and human trafficking to help them develop local, relevant initiatives for the given needs of their communities on the issue of sexual exploitation and trafficking.<sup>188</sup>

### CEDAW Report

- Amend the *Indian Act* to eliminate its sexist components.<sup>189</sup>

## **ADDRESSING THE LEGACY OF RACISM AND ASSIMILATION MEASURES**

### **Summary**

Recommendations are aimed at acknowledging and ameliorating the inter-generational effects of racism and assimilation efforts. Particularly, the recommendations acknowledge the importance of self-determination and self-governance, especially in the area of family law. The need for education and health initiatives designed by and for Aboriginal people is also recognized.

### **A. Restoring Aboriginal Jurisdiction Over Family Law**

#### Royal Commission on Aboriginal Peoples

- Federal, provincial and territorial governments acknowledge the validity of Aboriginal customary law in areas of family law, such as marriage, divorce, child custody and adoption, and amend their legislation accordingly.<sup>190</sup>
- With a view to self-starting initiatives in the family law area or to self-government, Aboriginal nations or communities establish committees, with women as full participants, to study issues such as:
  - the interests of family members in family assets;
  - the division of family assets on marriage breakdown;
  - factors to be considered in relation to the best interests of the child, as the principle is applicable to Aboriginal custody and adoption;

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186 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, Aboriginal Women, "The Abuse of Women and Children" at first bullet.

187 NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls, p. 64.

188 Ibid.

189 CEDAW Report 51.

190 RCAP 3.2.11.

- rights of inheritance pertaining to wills, estates or intestacy; and
- obligations of spousal and child support.<sup>191</sup>

## **B. Self-Government Initiatives**

### Royal Commission on Aboriginal Peoples

- Nation-based urban governance initiatives be pursued by nations when they have sufficient capacity to assume governance responsibility for the needs and interests of urban Aboriginal citizens.<sup>192</sup>

## **C. Aboriginal Health and Healing**

### Missing Women Commission of Inquiry

- That Provincial Government provide additional funding to Aboriginal women's organizations to provide more safe houses and counselling programs run for and by Aboriginal women and youth.<sup>193</sup>

### Royal Commission on Aboriginal Peoples

- Governments and organizations collaborate in carrying out a comprehensive action plan on Aboriginal health and social conditions, consisting of the following components:
  - development of a system of Aboriginal healing centres and healing lodges under Aboriginal control as the prime units of holistic and culture-based health and wellness services;
  - development of Aboriginal human resources compatible with the new system, its values and assumptions;
  - full and active support of mainstream health and social service authorities and providers in meeting the health and healing goals of Aboriginal people; and
  - implementation of an Aboriginal community infrastructure development program to address the most immediate health threats in Aboriginal communities, including the provision of clean water, basic sanitation facilities, and safe housing.<sup>194</sup>

### CEDAW Report

- Support Aboriginal culture and initiatives that foster pride and self-esteem in Aboriginal identity.<sup>195</sup>

### TRC Report

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191 RCAP 3.2.13.

192 RCAP 4.7.23, See also recommendations regarding self-government in family law at 3.2.11 and 3.2.13.

193 Missing Women Inquiry 6.4.

194 RCAP 3.3.5.

195 CEDAW Report 50.

- We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law and constitutional law, and under the Treaties.<sup>196</sup>
- We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.<sup>197</sup>
- In order to address the jurisdictional disputes concerning Aboriginal people who do not reside on reserves, we call upon the federal government to recognize, respect, and address the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples.<sup>198</sup>
- We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.<sup>199</sup>
- We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.<sup>200</sup>
- We call upon all levels of government to:
  - Increase the number of Aboriginal professionals working in the health-care field;
  - Ensure the retention of Aboriginal health-care providers in Aboriginal communities; and
  - Provide cultural competency training for all health-care professionals.<sup>201</sup>
- We call upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.<sup>202</sup>
- We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.<sup>203</sup>

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196 TRC Report, 207.

197 TRC Report, 208.

198 TRC Report, 210.

199 TRC Report, 210.

200 TRC Report, 210.

201 TRC Report, 211.

202 TRC Report, 211.

203 TRC Report, 221.

- We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:
  - Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD;
  - Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD;
  - Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community; and,
  - Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.<sup>204</sup>
- We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.<sup>205</sup>

## **D. Research and Education on Legacy**

### **Royal Commission on Aboriginal Peoples**

- The federal government establish and fund a national urban Aboriginal cultural education program designed for Aboriginal and non-Aboriginal people in large urban centres across Canada, to be generally administered by friendship centres.<sup>206</sup>
- Aboriginal, federal, provincial and territorial governments acknowledge the essential role of Elders and the traditional knowledge that they have to contribute in rebuilding Aboriginal nations and reconstructing institutions to support Aboriginal self-determination and well-being. This acknowledgement should be expressed in practice by:
  - involving Elders in conceptualizing, planning and monitoring nation-building activities and institutional development;
  - ensuring that the knowledge of both male and female Elders, as appropriate, is engaged in such activities;
  - compensating Elders in a manner that conforms to cultural practices and recognizes their expertise and contribution;
  - supporting gatherings and networks of Elders to share knowledge and experience with each other and to explore applications of traditional knowledge to contemporary issues; and
  - modifying regulations in non-Aboriginal institutions that have the effect of excluding the participation of Elders on the basis of age.<sup>207</sup>

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204 TRC Report, 222.

205 TRC Report, 223.

206 RCAP 4.7.16

207 RCAP 4.3.1

## Amnesty International: Stolen Sisters

- The federal government should provide adequate, sustained, multi-year funding for initiatives to deal with the immediate and inter-generational impacts of both the physical and psychological abuse suffered at residential schools, including the loss of cultural identity.<sup>208</sup>
- The federal government should request the United Nations' Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people and Special Rapporteur on violence against women, its causes and consequences, to jointly study and document patterns of violence against Indigenous women, including in Canada.<sup>209</sup>

## CEDAW Report

- Conduct education campaigns in schools and the civil service on colonialism, its impact on Aboriginal communities, and racism.<sup>210</sup>

## TRC Report

- We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius*, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.<sup>211</sup>
- We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*.<sup>212</sup>
- We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.<sup>213</sup>
- We call upon church parties to the Settlement Agreement to develop ongoing education strategies to ensure that their respective congregations learn about their church's role in colonization, the history and legacy of residential schools, and why apologies to former residential school students, their families, and communities were necessary.<sup>214</sup>
- We call upon leaders of the church parties to the Settlement Agreement and all other faiths, in collaboration with Indigenous spiritual leaders, Survivors, schools of theology, seminaries, and other religious training centres, to develop and teach curriculum for all student clergy, and all clergy and staff who work in Aboriginal communities, on the need to respect Indigenous spirituality in its own right, the history and legacy of residential schools and the roles of the

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208 Stolen Sisters, recommendation 5.

209 Stolen Sisters, recommendation 2.

210 CEDAW Report 50.

211 TRC Report, 254.

212 TRC Report, 254.

213 TRC Report, 271.

214 TRC Report, 276.

church parties in that system, the history and legacy of religious conflict in Aboriginal families and communities, and the responsibility that churches have to mitigate such conflicts and prevent spiritual violence.<sup>215</sup>

- We call upon church parties to the Settlement Agreement, in collaboration with Survivors and representatives of Aboriginal organizations, to establish permanent funding to Aboriginal people for:
  - Community-controlled healing and reconciliation projects;
  - Community-controlled culture- and language-revitalization projects;
  - Community-controlled education and relationship-building projects; and
  - Regional dialogues for Indigenous spiritual leaders and youth to discuss Indigenous spirituality, self-determination, and reconciliation.<sup>216</sup>
- We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:
  - Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students;
  - Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms;
  - Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms; and
  - Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.<sup>217</sup>
- We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including:
  - Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools;
  - Sharing information and best practices on teaching curriculum related to residential schools and Aboriginal history;
  - Building student capacity for intercultural understanding, empathy, and mutual respect; and
  - Identifying teacher-training needs relating to the above.<sup>218</sup>
- We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on Aboriginal spiritual beliefs and practices developed in collaboration with

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215 TRC Report, 283.

216 TRC Report, 285.

217 TRC Report, 289.

218 TRC Report, 290.

Aboriginal Elders.<sup>219</sup>

- We call upon the federal government, through the Social Sciences and Humanities Research Council, and in collaboration with Aboriginal peoples, post-secondary institutions and educators, and the National Centre for Truth and Reconciliation and its partner institutions, to establish a national research program with multi-year funding to advance understanding of reconciliation.<sup>220</sup>

## **SOCIAL SERVICES**

### **Summary**

Recommendations concerning the provision of programs and social services that promote safe communities and healthy individuals. These include education, youth programming, counselling, violence and drug addiction recovery. Many of the recommendations focus on improving the administration of existing services through secured funding, accessibility, greater aboriginal involvement and training. Many of the recommendations recognize that programs specific to Aboriginal peoples are needed. Special attention is given to the necessity for culturally appropriate education and youth programming that provide a supportive social network and instill a positive sense of identity.

### **A. Community Supports and Counselling**

#### **Special Committee on Violence Against Indigenous Women**

- That the federal government continue to support programming and legislation that allow Aboriginal communities to respond to violence.<sup>221</sup>
- That in implementing the public awareness strategy on substance abuse, the federal government target support to Aboriginal communities.<sup>222</sup>
- That the federal government examine opportunities to improve the incorporation of best practices into existing programs and services available to Aboriginal women and girls.<sup>223</sup>

#### **Phoenix Sinclair Inquiry**

- That the Authorities enhance availability of voluntary early intervention services by placing workers in schools, community centres, housing developments, and any other community facilities where they would be easily accessible.<sup>224</sup>
- That the capacity of community-based organizations be enhanced by provision of sustained long-term funding to allow for delivery of holistic services, with particular emphasis on support for Aboriginal-led organizations and programs that promote cultural identity within Aboriginal

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219 TRC Report, 290.

220 TRC Report, 293.

221 Committee on Violence Against Indigenous Women 6.

222 Committee on Violence Against Indigenous Women 14.

223 Committee on Violence Against Indigenous Women 15.

224 Phoenix Sinclair Inquiry 7.

communities.<sup>225</sup>

- The legislative framework for delivery of early childhood development programs should also provide for establishment of integrated service delivery centres to provide a range of services in addition to early childhood education, including public health, employment and income assistance, housing, child welfare, and adult education. These integrated service centres should be located in existing infrastructures such as schools or facilities that house community-based organizations.<sup>226</sup>
- That government funding to support integrated service delivery centres be allocated, following meaningful and inclusive consultation, by a committee that mirrors the committee described by s. 21(3) of *The Healthy Child Manitoba Act* and reflects Manitoba's various regions and cultural diversity, including representatives of the community and recognized experts.<sup>227</sup>

### Missing Women Commission of Inquiry

- That Provincial Government undertake a community consultation, needs assessment and feasibility study concerning the re-establishment of an independent society comparable to the former Vancouver Police Native Liaison Society.<sup>228</sup>
- That Provincial Government provide additional funding to Aboriginal women's organizations to provide more safe houses and counselling programs run for and by Aboriginal women and youth.<sup>229</sup>

### Royal Commission on Aboriginal Peoples

- Aboriginal cultural identity be supported and enhanced in urban areas by:
  - Aboriginal, municipal, territorial, provincial and federal governments initiating programs to increase opportunities to promote Aboriginal culture in urban communities, including means to increase access to Aboriginal elders;
  - municipal governments and institutions and Aboriginal elders co-operating to find ways of facilitating Aboriginal spiritual practices in the urban environment; and
  - all governments co-operating to set aside land in urban areas dedicated to Aboriginal cultural and spiritual needs.<sup>230</sup>
- The federal government be responsible for:
  - the costs associated with developing, implementing and operating Aboriginal self-government initiatives on and off a land base through program funding and fiscal arrangements;
  - programs, services and treaty entitlements for Aboriginal people living on reserves or extended Aboriginal territories;

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225 Phoenix Sinclair Inquiry 55.

226 Phoenix Sinclair Inquiry 60.

227 Phoenix Sinclair Inquiry 61.

228 Missing Women Inquiry 5.6.

229 Missing Women Inquiry 6.4.

230 RCAP 4.7.1.



- treaty entitlements or agreed upon social programs such as financial assistance for post-secondary education and uninsured health benefits for Indian people living off-reserve, to the extent that these exceed the programs or services provided to other residents by the province or territory in which they reside; and
- the cost of services for Métis people agreed to in treaty negotiations, once they have achieved self-government and a land base, including additional payments to Métis people living off their land base to cover benefits agreed to by treaty where those exceed benefits normally available to other provincial residents.<sup>231</sup>
- Provincial and territorial governments be responsible for:
  - providing and financing the programs and services that are available to residents in general, to all Aboriginal people residing in the province or territory, except those resident on-reserve, in Inuit communities or on extended Aboriginal territory;
  - and providing programs and services for Aboriginal people that are culturally appropriate where numbers warrant.<sup>232</sup>
- Federal, provincial and territorial governments ensure that existing and new Aboriginal service institutions have a stable and secure funding base by:
  - making contribution and grant agreements with Aboriginal service institutions for periods of at least five years; and
  - adjusting funding for existing and new Aboriginal and non-Aboriginal agencies to reflect actual services provided and caseloads.<sup>233</sup>
- Aboriginal people and organizations be directly involved in the design, development, delivery and evaluation of all services provided to Aboriginal clients by non-Aboriginal agencies.<sup>234</sup>
- Aboriginal leaders take a firm, public stance in support of the right to freedom from violence of all members in the community, but particularly of women, children, elders, persons with disabilities and others who may be vulnerable, as well as in support of a policy of zero tolerance of actions that violate the physical or emotional safety of Aboriginal persons.<sup>235</sup>

### Amnesty International: Stolen Sisters

- Federal, provincial and territorial governments should ensure adequate, sustained, multi-year funding to ensure the provision of culturally appropriate services such as shelters and counselling for Indigenous women and girls.<sup>236</sup>

### NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls

- Increase funding for culturally relevant support services for women and girls to help them escape trafficking.<sup>237</sup>

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231 RCAP 4.7.2.

232 RCAP 4.7.3.

233 RCAP 4.7.6.

234 RCAP 4.7.7.

235 RCAP 3.2.6.

236 Stolen Sisters, recommendation 3.

237 NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls, p. 64.

- Implement long-term tracking of support programs to help measure effective services and success rates.<sup>238</sup>
- As much as is possible and practical, involve experiential survivors in the running of support programs and services. According to previous research, this is one of the best ways to make positive connections with women and girls currently being exploited, which reinforces their own commitment for and belief in changing their lives for the better.<sup>239</sup>
- Provide child care for participants in programs. Many of these women and young girls are attempting to raise children; without adequately providing for their child-care needs, they may be unable to attend or effectively engage with any support programs and services.<sup>240</sup>
- Programs and services must be flexible in their approach. This refers to the multiple obstacles women and girls face in trafficking, such as substance addictions that they acquire to cope with the exploitation. Programs which focus on only one trauma may fail to provide the support needed for these women.<sup>241</sup>
- Workers in this area should follow principles of understanding, compassion, and a non-judgemental attitude. Research shows these to be among the most influential characteristics for connecting with experiential women and girls and successfully supporting them through exiting programs.<sup>242</sup>

### Intergovernmental Missing Women Working Group Report

- As a priority Aboriginal organizations or organizations that work with high-risk Aboriginal populations be funded to support individual or group safety planning awareness and engagement, taking into account, in particular, the specific barriers women face, and their lack of protections on or off reserve.<sup>243</sup>

### Missing And Murdered Indigenous Women in British Columbia, Canada

- It is recommended that support services be provided to all family members of missing and murdered Indigenous women.<sup>244</sup>

### CEDAW Report

- Develop nation-wide consistent standards to harmonize the provision of victim services.<sup>245</sup>
- Significantly enhance the provision of culturally-appropriate violence prevention services.<sup>246</sup>
- Consider adopting a Victims' Bill of Rights aimed at increasing victim services.<sup>247</sup>

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238 Ibid.

239 NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls, p. 66.

240 Ibid.

241 Ibid.

242 Ibid.

243 Intergovernmental Missing Women Working Group Report, recommendation #3.

244 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 125.

245 CEDAW Report 49.

246 CEDAW Report 49.

247 CEDAW Report 49.

- Provide adequate culturally-sensitive services to support families of missing and murdered women, as well as compensation and reparations.<sup>248</sup>

### TRC Report

- We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.<sup>249</sup>

## **B. Urban Transition**

### Phoenix Sinclair Inquiry

- That supports for families transitioning from First Nation communities to urban centres be expanded and enhanced. To this end, Manitoba should collaborate with First Nations and other levels of government.<sup>250</sup>

### Royal Commission on Aboriginal Peoples

- Aboriginal youth in urban areas need innovative programs to help them bridge the traditional and urban worlds and support their choices about where and how to live.<sup>251</sup>
- Aboriginal cultural identity be supported and enhanced in urban areas by:
  - Aboriginal, municipal, territorial, provincial and federal governments initiating programs to increase opportunities to promote Aboriginal culture in urban communities, including means to increase access to Aboriginal elders;
  - municipal governments and institutions and Aboriginal elders co-operating to find ways of facilitating Aboriginal spiritual practices in the urban environment; and
  - all governments co-operating to set aside land in urban areas dedicated to Aboriginal cultural and spiritual needs.<sup>252</sup>
- The urban citizens of Aboriginal nations be fully consulted and participate in decisions concerning urban governance initiatives pursued by nations.<sup>253</sup>
- Aboriginal nations ensure that their urban citizens' needs and interests are recognized and that mechanisms are instituted to ensure they are represented in the political structures and decision-making processes of the nation.<sup>254</sup>
- Federal, provincial, territorial and municipal governments give full support to Aboriginal nations when they develop and implement urban governance initiatives.<sup>255</sup>

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248 CEDAW Report 48.

249 TRC Report, 223.

250 Phoenix Sinclair Inquiry 52.

251 RCAP 4.4.8.

252 RCAP 4.7.1.

253 RCAP 4.7.24.

254 RCAP 4.7.25.

255 RCAP 4.7.26.

## **C. Aboriginal Involvement in Administering Social Services**

### **Phoenix Sinclair Inquiry**

- That workers be specifically trained on the multi-generational impacts of residential schools and on the role of poverty, poor housing, substance abuse and other social and economic factors in assessments of child neglect.<sup>256</sup>

### **Royal Commission on Aboriginal Peoples**

- Services to Aboriginal people in urban areas generally be delivered without regard to legal or treaty status.<sup>257</sup>
- In addition to cross-cultural training, non-Aboriginal individuals and organizations whose work or responsibilities directly affect urban Aboriginal women's lives receive comprehensive information and education on the situation of urban Aboriginal women.<sup>258</sup>
- Post-secondary educational institutions and professional associations collaborate with Aboriginal organizations to ensure that professionals already in the field have access to programs of continuing professional education that emphasize cultural issues associated with the provision of health and social services.<sup>259</sup>
- Post-secondary educational institutions involved in the training of health and social services professionals, and professional associations involved in regulating and licensing these professions, collaborate with Aboriginal organizations and governments to develop a more effective approach to training and licensing that recognizes the importance and legitimacy of Aboriginal knowledge and experience.<sup>260</sup>

## **D. Training for Service Providers**

### **Phoenix Sinclair Inquiry**

- That workers be specifically trained on the multi-generational impacts of residential schools and on the role of poverty, poor housing, substance abuse and other social and economic factors in assessments of child neglect.<sup>261</sup>

### **Royal Commission on Aboriginal Peoples**

- Staff of non-Aboriginal service agencies directly involved in Aboriginal service delivery be given cross-cultural training delivered by Aboriginal people and organizations and that government funding agreements reflect this obligation.<sup>262</sup>

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256 Phoenix Sinclair Inquiry 29.

257 RCAP 4.7.9.

258 RCAP 4.7.18.

259 RCAP 3.3.17.

260 RCAP 3.3.18.

261 Phoenix Sinclair Inquiry 29.

262 RCAP 4.7.8.

- In addition to cross-cultural training, non-Aboriginal individuals and organizations whose work or responsibilities directly affect urban Aboriginal women's lives receive comprehensive information and education on the situation of urban Aboriginal women.<sup>263</sup>
- Post-secondary educational institutions and professional associations collaborate with Aboriginal organizations to ensure that professionals already in the field have access to programs of continuing professional education that emphasize cultural issues associated with the provision of health and social services.<sup>264</sup>
- Post-secondary educational institutions involved in the training of health and social services professionals, and professional associations involved in regulating and licensing these professions, collaborate with Aboriginal organizations and governments to develop a more effective approach to training and licensing that recognizes the importance and legitimacy of Aboriginal knowledge and experience.<sup>265</sup>

## **E. Programming and Services for Youth**

### **Royal Commission on Aboriginal Peoples**

- Youth centres be established on reserves and in communities, including urban communities, where there is a significant Aboriginal population. Where cultural centres exist they should develop a specific youth component, including cultural and recreational programs.<sup>266</sup>
- Federal, provincial and territorial governments provide funding for community initiatives to establish Aboriginal youth camps that would:
  - pursue cultural activities linking youth with elders through the development of traditional skills and knowledge;
  - promote a healthy lifestyle (counselling, fitness and nutrition); and
  - encourage positive social interaction between Aboriginal youth of different nations and between Aboriginal and non-Aboriginal youth.<sup>267</sup>
- Key program areas for a Canada-wide Aboriginal youth policy be education, justice, health and healing, sports and recreation, and support programs for urban Aboriginal youth:
  - Education in the broadest sense must be a priority, with greater efforts to develop a culturally appropriate curriculum that reinforces the value of Aboriginal culture. Transformative education - which uses students' personal experiences as a springboard for deeper analysis and understanding of the world around them - should be considered in developing initiatives in education.
  - The justice and corrections system has a substantial impact on youth. New programs should be developed and existing programs modified to focus on reintegrating youth into the community through approaches that reflect Aboriginal culture.

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263 RCAP 4.7.18.

264 RCAP 3.3.17.

265 RCAP 3.3.18.

266 RCAP 4.4.1.

267 RCAP 4.4.2.

- Health and healing must reflect the needs of Aboriginal youth, particularly in the areas of counselling and support.
- Sports and recreation must be treated as an integral part of Aboriginal youth policy. Increased resources for facilities and programming are needed, as are trained people to co-ordinate sports and recreation programs for Aboriginal youth. Also, the sports community - athletes and fans - must be seen as a way to build and strengthen relationships among Aboriginal and non-Aboriginal people.<sup>268</sup>

### NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls

- Greatly increased engagement with Aboriginal youth to get regionally and culturally relevant input for solutions to help prevent and exit sexual exploitation and trafficking; this can be done at any level of action (from federal to municipal, and within individual Aboriginal bands).<sup>269</sup>

### Office of the Child's Advocate, "Strengthening Our Youth"

- That the Department of Family Services and Housing develop a policy outlining responsibility for children in care who are reaching the age of majority and leaving care.<sup>270</sup>
- That the Department of Family Services and Housing develop a policy on youth leaving care. It should outline the responsibilities of Agencies and Authorities for services to youth leaving care including independent living preparation prior to leaving care and post care services up to the age of 21 years.<sup>271</sup>
- That the Department of Family Services and Housing extend the maximum age eligibility for Extended Care and Maintenance (ECM) from 21 to 25 years, to enable youth to achieve higher education and develop work skills.<sup>272</sup>
- That the Department of Family Services and Housing, along with the Manitoba Housing Authority, develop a number of housing units in the province solely for youth leaving care.
  - Housing units should include short-term transition and emergency housing options and long-term apartments; and
  - Housing units must be affordable and located in areas that are safe and in close proximity to transportation services.<sup>273</sup>
- That the Departments of Family Services and Housing, Education, Health and Healthy Living launch an exploratory research initiative on the health and mental health needs of street-involved youth.<sup>274</sup>
- That the Department of Family Services and Housing provide funding to Authorities to develop independent living programs for youth leaving care.<sup>275</sup>

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268 RCAP 4.4.8.

269 NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls, p. 64.

270 Strengthening Our Youth, recommendation #1.

271 Strengthening Our Youth, recommendation #3.

272 Strengthening Our Youth, recommendation #5.

273 Strengthening Our Youth, recommendation #16.

274 Strengthening Our Youth, recommendation #20.

275 Strengthening Our Youth, recommendation #32.

## **F. Education and Awareness Programs**

### **Special Committee on Violence Against Indigenous Women**

- That the federal government continue to support K-12 education on reserve as an important tool in combating the root causes of violence against Aboriginal women and girls.<sup>276</sup>

### **Phoenix Sinclair Inquiry**

- That the Healthy Child Committee of Cabinet consider and recommend for legislative action a framework for the delivery of early childhood development programs with the following characteristics:
  - voluntary but universally available;
  - offering a place where children regularly attend to learn with other children;
  - staffed by trained educators who follow a defined curriculum; and
  - involving parents.<sup>277</sup>
- That Aboriginal culture and history, including the history of colonization and the impact of residential schools, be integrated into the provincial curriculum, including early childhood education and extending through elementary and secondary school.<sup>278</sup>

### **Royal Commission on Aboriginal Peoples**

- Post-secondary educational institutions providing programs of study leading to professional certification in health or social services collaborate with Aboriginal organizations to examine how they can:
  - increase the number of Aboriginal students participating in and graduating from their programs;
  - provide support for students to promote completion of programs;
  - develop or expand specialized programs; and
  - modify the curriculum of programs leading to certification so as to increase the cultural appropriateness and effectiveness of training provided to Aboriginal and non-Aboriginal students who will be providing services to Aboriginal people.<sup>279</sup>

### **Bringing Our Children Home: Report and Recommendations**

- That the Grand Chief [of the Assembly of Manitoba Chiefs] meet with the University of Manitoba President to support the Indigenous Social Work program, according to initiatives being proposed by Michael Hart (University of Manitoba Professor, Canada Research Chair in

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276 Committee on Violence Against Indigenous Women 5.

277 Phoenix Sinclair Inquiry 59.

278 Phoenix Sinclair Inquiry 62.

279 RCAP 3.3.16.

Social Work and Indigenous Knowledge) and by the Aboriginal Social Workers organization; and that The Chiefs-in-Assembly support the establishment of the College of Aboriginal Social Workers to ensure the *Social Work Profession Act* reflects the First Nations perspective, beliefs, values and practices in the Code of Ethics adopted.<sup>280</sup>

### Amnesty International: Stolen Sisters

- All levels of government should work with Indigenous peoples to strengthen and expand public education programs, including within the formal school system, that acknowledge and address the history of dispossession and marginalization of Indigenous peoples and the present reality of racism in Canadian society.<sup>281</sup>

### NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls

- Implement a national strategy on awareness raising of the issues increasing vulnerability of Aboriginal women and girls to sexual exploitation and trafficking.<sup>282</sup>
- Schools should implement healthy relationships classes and/or components to classes that teach students about what are respectful and acceptable relationships and healthy touching, and what students can do if they think they are in unhealthy relationships or circumstances.<sup>283</sup>
- Schools need to be provided with the latest research on decreasing Aboriginal student drop-out rates and on creating culturally relevant pedagogy/curriculum to better meet the needs of Aboriginal students.<sup>284</sup>
- Schools need increased funding to implement these education-based initiatives both on and off reserve and in remote, rural, and in urban areas.<sup>285</sup>
- Schools should have active engagement strategies for Aboriginal students to encourage retention.<sup>286</sup>

### CEDAW Report

- There should be an increased focus on awareness campaigns to ensure that members of the Aboriginal community are aware of relevant procedures for reporting missing persons.<sup>287</sup>
- Conduct education campaigns in schools and the civil service on colonialism, its impact on Aboriginal communities, and racism.<sup>288</sup>

### TRC Report

- We call upon the federal government to develop with Aboriginal groups a joint strategy to

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280 Bringing Our Children Home, recommendation 7.

281 Stolen Sisters, recommendation 6.

282 NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls, p. 64.

283 NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls, p. 64-5.

284 NWAC Report: Sexual Exploitation and Trafficking of Aboriginal Women and Girls, p. 65.

285 Ibid.

286 Ibid.

287 CEDAW Report 47.

288 CEDAW Report 50.



eliminate educational and employment gaps between Aboriginal and non-Aboriginal Canadians.<sup>289</sup>

- We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.<sup>290</sup>
- We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.<sup>291</sup>
- We call upon the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:
  - Providing sufficient funding to close identified educational achievement gaps within one generation.
  - Improving education attainment levels and success rates.
  - Developing culturally appropriate curricula.
  - Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.
  - Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.
  - Enabling parents to fully participate in the education of their children.
  - Respecting and honouring Treaty relationships.<sup>292</sup>
- We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.<sup>293</sup>
- We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families.<sup>294</sup>
- We call upon post-secondary institutions to create university and college degree and diploma programs in Aboriginal languages.<sup>295</sup>
- We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.<sup>296</sup>

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289 TRC Report, 195.

290 TRC Report, 196.

291 TRC Report, 196.

292 TRC Report, 197.

293 TRC Report, 199.

294 TRC Report, 199.

295 TRC Report, 205.

296 TRC Report, 215.

- We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.<sup>297</sup>
- We call upon Canadian journalism programs and media schools to require education for all students on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations.<sup>298</sup>
- We call upon the federal government, in collaboration with the national Aboriginal organizations, to revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Aboriginal peoples of Canada, including information about the Treaties and the history of residential schools.<sup>299</sup>

## **THE CHILD WELFARE SYSTEM**

### **Summary**

Recommendations are intended to improve the accountability and effectiveness of the child welfare system. Most of the recommendations are grounded in the understanding that the proportion of Aboriginal children in care is disproportionately high. Many of the recommendations come from Manitoba where the inadequacies of the child welfare system came to light after the tragic death of Phoenix Sinclair. Recommendations specifically aimed at child and family service agencies focus on the need to improve record keeping and information sharing. The ability to maintaining a manageable caseload is considered key for service workers. Recommendations aimed at the provincial government mainly deal with the necessity for legislative change and adequate funding, particularly the need for greater accountability and oversight.

### **A. Changes to be Implemented by the Province of Manitoba**

#### **Phoenix Sinclair Inquiry**

- That the Province and the four child welfare Authorities, who are responsible for the delivery of child welfare services, adhere to the following principles:
  - The key to supporting families and protecting children is offering early intervention through both universal and targeted services, to prevent the vulnerability that leads to contact with the child welfare system.
  - Child welfare services are provided on a continuum, focusing on protection in the face of an immediate threat to a child's safety but almost always working with a family enhancement approach to keep children safe at home.

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297 TRC Report, 215.

298 TRC Report, 351.

299 TRC Report, 362.

- Once a family comes to the attention of the child welfare system, the children’s safety and well-being must be assessed; this means assessing both immediate and long-term risk of harm, including chronic neglect, and it requires face-to-face contact.
  - Assessment tools must be used as an aid to, and not as a substitute for, the exercise of a worker’s clinical judgment.
  - Assessment tools must be used in a way that takes into account a family’s cultural, social, and economic circumstances.
  - After an assessment of the child’s safety and well-being, and of the family’s strengths and needs, the necessary and appropriate services, as determined by the assessment, must be available.
  - When a child has been found to be in need of protection, the goal of the child welfare system is to prevent recurrence of maltreatment and resulting impairment. This should be done by child welfare agencies acting on their own or in partnership with community-based organizations and other government departments.
  - The goal of the child welfare system is to keep as many children safe at home as is possible.<sup>300</sup>
- That the Province ensure that the family enhancement services required to support the differential response practice model are developed, coordinated, and made accessible, through partnerships and collaboration among the child welfare system and other departments, and community-based organizations.<sup>301</sup>
  - That the *Child and Family Services Act*, *Personal Health Information Act*, *Freedom of Information and Protection of Privacy Act* and any other legislation as may be necessary be amended to allow service providers to share relevant information with each other and with parents (or caregivers) when necessary for the protection, safety, or best interests of a child.<sup>302</sup>
  - That the Standing Committee issue annual reports of its work to the Minister for tabling in the legislature and for concurrent release to the public.<sup>303</sup>
  - The Department must ensure that all agencies have access to its information system, either through direct connectivity, or where that is not possible, through alternative means such as telephone access to an agency that has that capability.<sup>304</sup>
  - That the Authorities be funded to a level that supports the differential response approach, including:
    - Funding to allow agencies to meet the caseload ratio of 20 cases per worker for all family services workers;
    - Increasing the \$1,300 fund for family enhancement services to a reasonable level, especially for families who are particularly vulnerable, many of whom are Aboriginal;
    - Determination of the amount of necessary funding after meaningful consultation

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300 Phoenix Sinclair Inquiry 1.

301 Phoenix Sinclair Inquiry 2.

302 Phoenix Sinclair Inquiry 9.

303 Phoenix Sinclair Inquiry 11.

304 Phoenix Sinclair Inquiry 24.

between agencies and the Authorities, and between the Authorities and government, after agencies have reasonably assessed their needs.<sup>305</sup>

- Recommendations 36 to 48 concern the creation of the independent office of the Representative for Children and Youth, modelled after the office of the Representative for Children and Youth in British Columbia. The Representative would report to the legislature and provide oversight and recommendations to the province's child protection system.<sup>306</sup>
- That at the next meeting of the Council of the Federation (the Premiers of Canada's ten provinces and three territories), the Premier of Manitoba request placement on the agenda and the opportunity to speak to the unacceptably disproportionate number of Aboriginal children taken into care by child welfare authorities across Canada in comparison to non-Aboriginal children. Further, that if given the opportunity to speak to the matter, the Premier of Manitoba outline the severity and seriousness of the problem and the consequences for all of us, but particularly for Aboriginal children and families, if allowed to continue unabated; and that he explore whether collectively his colleagues are of a mind to take steps in search of a solution and a process for implementation of that solution over time.<sup>307</sup>
- That a legislated committee, functioning under the provisions of *The Healthy Child Manitoba Act* (in its present or amended form) be charged with:
  - coordinating the services provided for children and families, between community-based organizations and government departments; and
  - allocating government funding to those community-based organizations, following meaningful and inclusive consultation. It is understood that funding from the private sector and other levels of government will continue to play an important role, as it has done, in supporting these organizations;
  - and that the composition of this committee mirror the committee described by s. 21(3) of *The Healthy Child Manitoba Act*, which reflects Manitoba's various regions and cultural diversity and includes representatives of the community and recognized experts.<sup>308</sup>

### Aboriginal Justice Inquiry

- Child and family service agencies provide necessary support to Aboriginal mothers in jail and their children to ensure that the family is kept together.<sup>309</sup>
- Where children need to be taken into care following the incarceration of an Aboriginal mother, child and family service agencies make culturally appropriate foster arrangements for the children of such inmates.<sup>310</sup>

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305 Phoenix Sinclair Inquiry 25.

306 Phoenix Sinclair Inquiry 36 to 48.

307 Phoenix Sinclair Inquiry 53.

308 Phoenix Sinclair Inquiry 56.

309 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, Aboriginal Women, "The Sentencing of Aboriginal Women", at 9<sup>th</sup> para from top.

310 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, Aboriginal Women, "The Sentencing of Aboriginal Women", at 10<sup>th</sup> para from top.

- The provincial government establish the Office of Child Protector, responsible to the Legislature, as recommended in the Kimelman Report. This office’s responsibilities would be, among other things:
  - To ensure that children involved with the child welfare system have their interests and rights protected.
  - To receive and investigate complaints about the manner of treatment of children by child welfare agencies.<sup>311</sup>
- Aboriginal and non-Aboriginal child and family service agencies be provided with sufficient resources to enable them to provide the communities they serve with the full range of direct service and preventive programs mandated by the *Child and Family Services Act*.<sup>312</sup>
- The federal and provincial governments provide resources to Aboriginal child and family service agencies for the purpose of developing policies, standards, protocols and procedures in various areas, but particularly for the purpose of developing computer systems that will permit them to communicate quickly and effectively with other agencies, to track cases and to share information.<sup>313</sup>
- The jurisdiction of the reserve-based Indian child and family service agencies be extended to include off-reserve band members. Indian agencies be provided with sufficient resources to ensure that this expanded mandate be effectively carried out.<sup>314</sup>

### Office of the Child's Advocate, “Strengthening Our Youth”

- That the Department of Family Services and Housing increase funding to reduce the workload of Social Workers enabling them to increase time in direct service work with youth in care.<sup>315</sup>
- That Authorities and Agencies increase the number of specialized foster homes for youth over the age of 15 preparing for independent living.<sup>316</sup>

### Missing And Murdered Indigenous Women in British Columbia, Canada

- It is recommended that information and assistance be provided to ensure that indigenous women have effective access to legal remedies in relation to custody matters.<sup>317</sup>

## **B. Changes to be Implemented by CFS Agencies**

### Phoenix Sinclair Inquiry

- That agencies strive for greater transparency and information sharing with caregivers, which

311 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, Child Welfare, “Aboriginal Peoples and the Child Welfare System in Manitoba”.

312 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, Child Welfare, “Manitoba's Child and Family Services Act” at para 1.

313 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, Child Welfare, “Manitoba's Child and Family Services Act” at para 2.

314 Aboriginal Justice Inquiry, Vol. 1, Appendix 1, Child Welfare, “Manitoba's Child and Family Services Act” at para 5.

315 Strengthening Our Youth, recommendation #31.

316 Strengthening Our Youth, recommendation #33.

317 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 123.

may require changes to legislation.<sup>318</sup>

- That all ongoing services to families should be delivered on the basis of 20 cases per worker.<sup>319</sup>
- That the Authorities and agencies explore ways to reduce administrative burdens on social workers through the better use of technology and administrative staff.<sup>320</sup>
- That each Authority designate staff who are available both during the day and after hours, to support the work of social workers by locating individuals through investigative means, and serving court documents as necessary.<sup>321</sup>
- That CFS supervisors, social workers, and family support workers be required to keep complete and accurate records of all involvement with children and families, including records of all services they deliver, copies of any communications related to their involvement, and notes related to all contacts.<sup>322</sup>
- That when an agency engages a consultant, such as a medical professional, in the course of delivering services to a family, it must obtain a written report from the consultant and retain it in the relevant file.<sup>323</sup>
- That All Nations Coordinated Response Network [ANCRN] and all designated intake agencies throughout the province ensure that records are made and retained with respect to every telephone call received by the agency, regardless of whether a file is already open.<sup>324</sup>
- That an appropriate policy be developed by the Authorities to govern the retention of records made by agency personnel.<sup>325</sup>
- That the Authorities each develop and implement a supervision policy including provisions that:
  - articulate that the primary function of supervision is to ensure compliance with best practice;
  - require that supervisors prepare written reports of supervision meetings with workers, with copies retained in the appropriate case file;
  - stipulate that before approving the transfer or closing of a file, the supervisor must document the reason for approving the decision;
  - require annual performance reviews to be conducted by a worker's direct supervisor using an objective set of articulated criteria, developed in consultation with agency staff.<sup>326</sup>
- That the Authorities each perform and publish annual composite reviews of the well-being of children who are receiving services from their agencies, or have received services within the

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318 Phoenix Sinclair Inquiry 6.

319 Phoenix Sinclair Inquiry 12.

320 Phoenix Sinclair Inquiry 13.

321 Phoenix Sinclair Inquiry 14.

322 Phoenix Sinclair Inquiry 15.

323 Phoenix Sinclair Inquiry 16.

324 Phoenix Sinclair Inquiry 17.

325 Phoenix Sinclair Inquiry 18.

326 Phoenix Sinclair Inquiry 19.

past 12 months, whether in or out of care.<sup>327</sup>

- That the new information management system be capable of:
  - interfacing with other government systems including Employment Insurance, Education, and Health;
  - keeping track of all children receiving protection services, as well all children in care;
  - using alert features to flag those known by the system to pose a significant risk to children; and,
  - efficient file recording, for example through the use of electronic dictation equipment and voice recognition, or direct entry using a computer, tablet, or other portable device.<sup>328</sup>

## **C. Changes to be Implemented by All Levels of Government**

### **Special Committee on Violence Against Indigenous Women**

- That the federal government support provincial, territorial and First Nation childcare agencies in their responsibility to ensure effective and accountable service delivery.<sup>329</sup>

### **Royal Commission on Aboriginal Peoples**

- Aboriginal, provincial, territorial and federal governments promptly reach agreements on the authority of Aboriginal nations and their communities for child welfare, and its relation to provincial, territorial and federal laws respecting child welfare.<sup>330</sup>
- Block funding be provided to child welfare agencies mandated by Aboriginal governments or communities to facilitate a shift in focus from alternative child care to family support.<sup>331</sup>
- Until community of interest governments are established in urban and non-reserve areas, voluntary agencies endorsed by substantial numbers of Aboriginal people resident in the areas be authorized under provincial or territorial law to act in the field of child welfare
  - where numbers warrant; and
  - with levels of funding comparable to those of agencies providing comparable services to the general population and sufficient to meet the service needs of Aboriginal people.<sup>332</sup>

### **CEDAW Report**

- Address disproportionate number of Aboriginal children involved in child welfare, “which impacts on Aboriginal women's vulnerability to violence as they are reluctant to seek help from

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327 Phoenix Sinclair Inquiry 20.

328 Phoenix Sinclair Inquiry 22.

329 Committee on Violence Against Indigenous Women 9.

330 RCAP 3.2.3.

331 RCAP 3.2.4.

332 RCAP 3.2.5.

authorities for fear that their children be taken away”.<sup>333</sup>

## TRC Report

- We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
  - Monitoring and assessing neglect investigations.
  - Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
  - Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
  - Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
  - Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.<sup>334</sup>
- We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.<sup>335</sup>
- We call upon all levels of government to fully implement Jordan’s Principle.<sup>336</sup>
- We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
  - Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
  - Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
  - Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.<sup>337</sup>
- We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.<sup>338</sup>

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333 CEDAW Report 50.

334 TRC Report, 187.

335 TRC Report, 188.

336 TRC Report, 190.

337 TRC Report, 191.

338 TRC Report, 192.



## **D. Recommendations for Manitoba's First Nations Leadership**

### **Bringing Our Children Home: Report and Recommendations**

- That the Chiefs-in-Assembly adopt the priority of Re-unification and Strengthening of Families as the first and prior choice for CFS with understanding child safety is paramount. ONLY once all alternatives have been exhausted would any removal from extended family and community be considered; and that the AMC Grand Chief and Chiefs in Assembly meet with Premier of Manitoba to:
  - Establish an immediate end to the CFS system as it currently functions.
  - Reorganize the Leadership Council with equitable decision making at the table, with 80% First Nations representation at the decision making table to reflect the proportion of First Nations children and families currently impacted by the system.
  - Establish a Youth Advisory Council within each of the existing Authorities to advise on policy change, system enhancements, and decision-making to ensure the needs of the youth are being met.
  - Change funding models to support a model of care focused on prevention, strengthening families and reunification rather than apprehension.<sup>339</sup>
- Establish an Office of the First Nations Family Advocate that will challenge the system to address unethical practices and decisions enforced upon families or decisions that contribute to negative impacts on the child's spiritual, emotional, mental, or physical well-being and safety.<sup>340</sup>
- That the Chiefs-in-Assembly mandate the Authorities and Agencies to develop new service delivery models, examining models such as Customary Care, Receiving Homes, and Family Healing Homes, to have children remain in the community with a focus on ensuring:
  - Culture and Identity;
  - Family Access;
  - Education;
  - Social Networks;
  - Connectivity; and,
  - Regular Visitations with parents, grandparents, extended family & siblings.<sup>341</sup>
- That the Assembly of Manitoba Chiefs examine legislation such as Ontario which recognizes "Customary Care" by First Nations in their *Child and Family Services Act* and Saskatchewan to see how it is working and how it is supporting communities to reclaim responsibility for the children, and prepare options for Leadership to pursue; and That the Assembly of Manitoba Chiefs, in partnership with the University of Manitoba Centre for Human Rights Research, evaluate the Legal Aid system in relation to the services provided for First Nations clients

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339 Bringing Our Children Home, Recommendation 1.

340 Bringing Our Children Home, Recommendation 2.

341 Bringing Our Children Home, Recommendation 6.

dealing with child welfare.<sup>342</sup>

- That the Assembly of Manitoba Chiefs engage the Elders, Grandmothers, and Youth to further define the First Nations Rights of the Child and determine the best methods to reach out to the children right now; and that the Chiefs-in-Assembly direct every organization, school, youth initiative, community program, as well as all services and supports provided to First Nations children, youth, and families to respect and uphold the First Nations Rights of the Child as determined by the Elders, Grandmothers and Youth.<sup>343</sup>

#### Short-Term:

- The Assembly of Manitoba Chiefs facilitate all existing resources to come together with the guidance and support of Elders and Grandmothers to plan, develop and implement collaborative supports that will help parents and children to meet their spiritual, emotional, physical, and mental needs, for example:
  - FAS Prevention and Support;
  - Mental Wellness Services and Support;
  - Family/Community Supports in the home so parents can focus on healing without losing their children;
  - Land-based education and family services; and,
  - Long-term programs for Indian Residential School survivors and Sixties Scoop survivors and inter-generational survivors that includes healing, coping, and re-connection with self, family, community, and culture.<sup>344</sup>

#### Medium Term:

- That the Assembly of Manitoba Chiefs work with the CFS Agencies to ensure all policies and practices reflect the importance of family connections. This will require collaborating among community based projects plus redirection of Enhancement funds to orient and support such collaboration.<sup>345</sup>

#### Long Term:

- That the Assembly of Manitoba Chiefs and First Nations Health and Social Secretariat of Manitoba work on establishing healing centre hubs, building on the Grandmother Turtle Lodge model, so that every community has ready access to cultural healing interventions.<sup>346</sup>

## **GOVERNMENT LEADERSHIP**

### **Summary**

Recommendations set out the need for government coordination, and the need for a nation-wide response to MMIWG.

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342 Bringing Our Children Home, Recommendation 10.

343 Bringing Our Children Home, Recommendation 3.

344 Bringing Our Children Home, Recommendation 8.

345 Ibid.

346 Ibid.

## Missing And Murdered Indigenous Women in British Columbia, Canada

- It is recommended that the federal and provincial governments coordinate in addressing MMIWG, and recognize their shared responsibility for the legal status and condition of Indigenous women, girls, and communities. Government initiatives should be undertaken in consultation with Indigenous women.<sup>347</sup>
- The creation of a national-level action plan or nation-wide inquiry into the issue of MMIWG is also recommended.<sup>348</sup>
- Finally, where the State has failed to exercise due diligence, it is recommended that steps be taken to provide reparations to families.<sup>349</sup>

## CEDAW Report

- Take measures to establish a National Public Inquiry, carried out based on the views of Aboriginal communities and organizations.<sup>350</sup>
- Based on the inquiry's findings, develop an integrated National Plan of Action. This should be made in consultation with representatives of Aboriginal communities and should be sufficiently resourced.<sup>351</sup>
- Establish a mechanism for monitoring and evaluation implementation of the Plan,<sup>352</sup> with sanctions where measures are not implemented.<sup>353</sup>

## TRC Report

- We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.<sup>354</sup>
- We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.<sup>355</sup>
- We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:
  - Investigation into missing and murdered Aboriginal women and girls.

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347 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 123.

348 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 124.

349 Inter American Commission on Human Rights Report on Missing and Murdered Indigenous Women in British Columbia, Canada, p. 125.

350 CEDAW Report 51.

351 CEDAW Report 51.

352 CEDAW Report 51.

353 CEDAW Report 48.

354 TRC Report, 226.

355 TRC Report, 226.

- Links to the inter-generational legacy of residential schools.<sup>356</sup>

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356 TRC Report, 227.