



# FAFIA-AFAI

Feminist Alliance for  
International Action

L'Alliance Féministe pour  
l'Action Internationale

## **Statement on the Launch of the National Inquiry on Missing and Murdered Indigenous Women and Girls August 5, 2016**

History was made in Canada this week with the launch of the National Inquiry into Missing and Murdered Indigenous Women and Girls. We honour the many Indigenous women, family members and advocates who worked to ensure that this Inquiry would take place. We also thank the Trudeau Government for its willingness to open the country to scrutiny.

The Canadian Feminist Alliance for International Action (FAFIA) believes that a tough-minded and open-hearted National Inquiry is essential in order to change the lives of Indigenous women and girls. And Canada must change; it must become a country where Indigenous women and girls can live in safety, with dignity and equality. Canada can only make a better future for Indigenous women and girls by examining and acknowledging failures and mistakes, and with that knowledge, designing effective corrections.

This is a moment that the Canadian Feminist Alliance for International Action (FAFIA) has worked for over many years. FAFIA has played a lead role in identifying the human rights violations that occur in the lives of Indigenous women and girls and their families, and in bringing them to national and international attention. FAFIA began reporting to international human rights bodies on missing and murdered Indigenous women and girls in 2003, and since then has repeatedly sought the attention and assistance of the human rights experts that monitor Canada's compliance with its obligations under international human rights law.

Between 2010 and 2016, in partnership with the Native Women's Association of Canada, FAFIA requested and facilitated investigations by the United Nations Committee on the Elimination of Discrimination against Women and the Inter-American Commission on Human Rights.

These expert bodies issued reports on the murders and disappearances in 2015, which now provide an invaluable human rights foundation for the National Inquiry.

Today, FAFIA congratulates Commissioners Buller, Audette, Poitras, Robinson and Eyolfson on their appointments, and pledges to support their work.

FAFIA remains concerned, however, about some aspects of the Terms of Reference (TOR) for the Inquiry. There are important strengths in the TOR, but there are also significant weaknesses.<sup>1</sup>

It is crucial, and gratifying, to see that the TOR include a focus on systemic causes of violence against Indigenous women and girls, and name “underlying social, economic, cultural, institutional and historical causes”. For many years FAFIA has stressed in its submissions, reports, and presentations that the violence against Indigenous women and girls cannot be stopped if the focus is solely on police response after the fact. If we want to prevent the violence, it is essential to address the social and economic conditions of Indigenous women and girls, their poverty, their social marginalization, and the racism and misogyny rooted in the *Indian Act* and the child welfare system. These conditions make Indigenous women and girls devalued and at risk.

However, FAFIA has also contended that the failed police and justice system response, as well as the overt violence of police to Indigenous women and girls, must be dealt with, corrected and stopped. Because it is common knowledge that investigating and changing police conduct is difficult and that police agencies resist scrutiny, the fact that the TOR do not explicitly direct the Inquiry to report on inadequacies in Canada’s policing and justice systems, and make recommendations to correct them, still concerns us deeply.

The Ministers of Justice, Indigenous and Northern Affairs, and the Status of Women have assured us that policing, as well as child welfare, is included within the mandate of the Inquiry, because of the broad language of the TOR. That kicks the ball to the new Commissioners. They now face the difficult task of determining how to examine policing and justice system responses to violence against Indigenous women and girls in ways that will bring both justice and change.

Similarly, access for families to an independent review of cases where investigations were faulty, or conclusions warrant re-examination, is not

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<sup>1</sup> See Statement on Draft Terms of Reference, July 20, 2016: (<http://fafia-afai.org/en/statement-on-draft-terms-of-reference-for-the-national-inquiry/>)

explicitly provided for. The TOR only explicitly authorize the Commissioners to refer families who seek review of cases to the appropriate provincial or territorial victim assistance service. Even with navigators funded by the Ministry of Justice to assist families, this is not an adequate process. We hope now that the Commissioners will consider whether the Inquiry's power to determine its own procedures will permit the design of a process that will be more satisfactory for families, one that is independent and that the Commissioners will oversee, at least initially.<sup>2</sup>

Terms of Reference for an Inquiry not only establish its legal authority, they also provide a narrative for the country, witnesses, and agencies that might come under scrutiny, to explain what the inquiry is about. There are two central themes for this Inquiry that are not articulated clearly by the Terms of Reference.

The first theme is that this Inquiry is about male violence against Indigenous women and girls, by both Indigenous and non-Indigenous men and by state actors. The tendency to shy away from naming the direct perpetrators of the violence needs to be overcome if the Inquiry is to do its job effectively.

The second is that this inquiry is about the obligations of the Canadian state, and about the failures of governments and institutions to prevent and remedy the violence. Fleshing out these themes, through unflinching examination, now becomes the role of the Inquiry itself, as well as the continuing role of Indigenous women, family members, and advocates.

Finally, FAFIA supports Pauktuutit's request for appointment of a sixth Inuk woman Commissioner in order to ensure that Inuit women are represented and can view themselves as included in their own right as full participants in the Inquiry. This is not a question for the Inquiry, but one that remains with the Government of Canada. FAFIA hopes that the Government of Canada will continue discussions with Pauktuutit and honour their request.

Now that the Inquiry is launched, FAFIA will work to ensure that the National Inquiry is an effective and strong instrument for addressing this human rights crisis and eliminating racialized and sexualized violence against Indigenous women and girls. FAFIA will work with Indigenous women and their many allies to support the Inquiry, to participate in it, and to monitor its work.

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<sup>2</sup> See FAFIA/NWAC 22 Recommendations for a National Inquiry: [http://fafia-afai.org/wp-content/uploads/2016/02/MMIWInquiryrecommendationFINAL\\_English.pdf](http://fafia-afai.org/wp-content/uploads/2016/02/MMIWInquiryrecommendationFINAL_English.pdf)

