

Answering Calls to Justice: A National Action Plan on Ending Violence

by Courtney Skye

THIS WEEK IN UNCEDED ALGONQUIN TERRITORY, survivors of violence, family members of the missing and murdered and Indigenous advocates from gathered across the country to witness the historic moment of delivering the National Inquiry into Missing and Murdered Indigenous Women and Girls' final report to the country's Prime Minister. It has been a long road.

Recognition for the distinct rights of Indigenous women has been one of the most passionate and enduring movements Indigenous people have undertaken in recent history.

Sitting amongst Indigenous women who have dedicated their lives to advancing the rights of Indigenous people was a tremendous experience for me. We all watched carefully as their advocacy brought to life a 1,200 page report that we must all now collectively undertake: stopping the genocide against Indigenous people in Canada and defining an anti-colonial future with the safety of Indigenous women, girls, and 2SLGBTQIA people as its priority.

So how do we do that?

The importance of a national action plan (NAP) to implement the Inquiry's Calls to Justice cannot be understated and is where we must turn now.

A NATIONAL ACTION PLAN

Out of the over 230 *Calls for Justice* prescribed in the Final Report, the first recommendation made by the National Inquiry is as follows:

1. Human and Indigenous Rights and Government Obligations

1.1 **We call upon federal, provincial, territorial, municipal, and Indigenous governments (hereinafter referred to as "all governments")**, in partnership with Indigenous Peoples, to develop and implement a National Action Plan to address violence against Indigenous women, girls, and 2SLGBTQIA people, as recommended in our *Interim Report* and in support of existing recommendations by other bodies of inquiry and other reports. As part of the National Action Plan, we call upon all governments to ensure that equitable funding access to basic rights such as employment, housing, education, safety, and health care is recognized as a fundamental means of protecting Indigenous and human rights, resourced and supported as a rights-based programs founded on substantive equality. All programs must be no-barrier, and must apply regardless of status or location.

Governments should:

- i. Table and implement a National Action Plan that is flexible and distinctions based, and that includes regionally specific plans with devoted funding and timetables for implementation that are rooted in the local cultures and communities for diverse Indigenous identities, with measurable goals and necessary resources dedicated to capacity building, sustainability, and long-term solutions.
- ii. Make publicly available on an annual basis reports of ongoing actions and developments in measurable goals related to the National Action Plan.

A National Action Plan is an important policy tool that is used to measure and evaluate the efficacy of laws and policies aimed at substantive gender equality.

Focused on implementation and measurement, a National Action Plan should ensure that women in all areas of the country have access to comparable levels of services and protection.

As the inquiry notes, the call for a national action plan is one that Canadian governments have heard before, which is why it's notable that the Prime Minister has made a firm commitment to it now, committing that "we will conduct a thorough review of this report and we will develop and implement a national action plan to address violence against Indigenous women, girls and LGBTQ and two-spirit people."

THE WORLD IS WATCHING

In 1985, United Nations Committee on the Elimination of All Forms of Discrimination Against Women wanted to know what kind of concrete measures were taken in Canada for the elimination of discrimination against Indigenous women since they represented then "one of the most disenfranchised groups of Canada's population, were still suffering from official discrimination".

Fast forward to April 2018, Dubravka Šimonović, the United Nations Special Rapporteur on Violence against women, its causes and consequences, made the office's first official visit to Canada, and in her end of mission statement, spelled out in greater detail what components are required under Canada's commitments to International human rights agreements. Some of her recommendations are helpful to consider in supporting the Inquiry's Calls for Justice and could flow into a National Action Plan on addressing violence against Indigenous women, girls, and 2SLGBTQIA people. They include:

1. The harmonization and implementation of laws and policies on gender based violence as well as for the provision of a consistent approach to prevention and responses services to violence against women and domestic violence;
2. The effective provision of shelters, protection orders and help lines;
3. Providing free legal advice at the federal, provincial and territorial level; and
4. Ensuring that specialized sexual assault training for police officers and prosecutors that includes awareness about rape myths and information about the legal standard for consent and on the specific needs and vulnerabilities of indigenous women and other vulnerable groups of women is delivered.

While this is not the full extent of what's required in Canada, it does encapsulate both preventative and support aspects of ending violence and should be expected to appear in any National Action Plan. Indeed, in November 2020, Canada will report on their progress in addressing the Convention on the Elimination of All Forms of Discrimination Against Women. It is will the next opportunity for Indigenous peoples and civil society to hold Canada accountable within the UN structure.

THE IMPORTANCE OF DATA

It is important to note that as a policy tool, any action plan must be based on comparable, reliable data and as such, reliable data collection. Good data is fundamental to making sound policy decisions. When it comes to data relating to ending violence in this context, there is a lack of comparability on specific forms of violence and femicide (gender related killings of women).

In the final report, the National Inquiry identifies some of the issues related to data collection in Canada which make it nearly impossible to determine the actual scope of victimization. In its Summary of Forensic Review of Documents (Annex 1, Volume 1b), the Inquiry identified the following significant issues:

1. There is no reliable estimate of the numbers of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people in Canada.
2. The two Royal Canadian Mounted Police reports dated 2014 and 2015 on missing and murdered Indigenous women and girls identify narrow and incomplete causes of homicides of Indigenous women and girls in Canada.
3. The often-cited statistic that Indigenous men are responsible for 70% of murders of Indigenous women and girls is not factually based.
4. Virtually no information was found with respect to either the numbers or causes of missing and murdered Métis and Inuit women and girls and Indigenous 2SLGBTQQIA persons.
5. Indigenous communities, particularly in remote areas, are under prioritized and under resourced.
6. There is a lack of communication to families and Indigenous communities by police services and a lack of trust of the police in Indigenous communities.
7. There continues to be a lack of communication with and coordination between the police and other service agencies.
8. Deaths and disappearances of Indigenous women, girls, and 2SLGBTQQIA people are marked by indifference. Specifically, prejudice, stereotypes, and inaccurate beliefs and attitudes about Indigenous women, girls, and 2SLGBTQQIA persons negatively influence police investigations, and therefore death and disappearances are investigated and treated differently from other cases.

Remedying these issues is critical to determining what measurements will be used within a NAP. Reliable data collection is one component alongside the evaluation and validation made by people with lived experiences with violence, and knowledge of existing infrastructures. In any discussion around data and information, Ownership, Control, Access, and Possession of must remain with Indigenous peoples, with the necessary technical resources they need to make informed decisions. It is clear that establishing a NAP with strong data collection provisions is a precondition which must be met in order to make sure progress is being made towards ending violence.

THE URGENCY OF IMPLEMENTATION

“The commission has outlined the way forward,” Mr. Trudeau said. “You have my word that my government will turn the inquiry’s calls to justice into real, meaningful, Indigenous-led action.”

It is critical for the Calls for Justice of the National Inquiry to be removed from the fraught processes and accusations of political interference and partisanship that plagued the movement for justice for missing and murdered Indigenous women and girls in the first place. Like the Inquiry process itself, the NAP must not be appropriated and directed by the government. That does not mean government is absolved from reporting or providing access to information required for the NAP.

As the era of policy co-development between Indigenous organizations and the settler state comes to an end, the role of Canada in participating in policy development must become limited and its role in reporting must be transparent to Indigenous peoples.

Special Rapporteur **noted** that the Liberal government actually made significant commitments to gender-based programming. Still, Canada “lacks [a] holistic legal framework with a clear elaboration of prevention measures, integrated services delivery and prosecution of perpetrators in a coordinated manner and guaranteed in all jurisdictions.” In fact, the Special Rapporteur noted that “the United Nations *Declaration on the Rights of Indigenous Peoples* which affirms that indigenous women should have ownership of, and administer, initiatives to improve their law and justice outcomes. Indigenous led programs and service delivery should be the norm and not the exception as it is currently the case.”

These requirements should underwrite the the establishment of an NAP. With three weeks left in this session of Parliament and an election looming in the Fall, timing is not ideal for political action on the Inquiry's Calls to Justice. The government is coming to the end of its mandate and the Inquiry findings must live on. As previous Inquiry and Commission studies or recommendations on Indigenous issues teaches us, without an implementation strategy, those recommendations are often ignored, and it falls to Indigenous people to continue to advance their rights.

The establishment of a National Action Plan is something that must be urgently developed, utilizing the frameworks already proposed to assist.

This is a prudent first step for Indigenous people to take. As for the next federal government, they will quickly learn is that the safety of Indigenous women, girls, and 2SLGBTQIA people is a priority issue because Indigenous women have made it so. What the release of *Reclaiming Power and Place* demonstrated is that this issue exists in the public sphere because the love amongst Indigenous peoples endures in spite of genocide and across election cycles.