

Nine things to know about the national inquiry into missing and murdered indigenous women



A sign in Moricetown, B.C., warns that a killer is at work along the Highway of Tears.

RAFAL GERSZAK/THE GLOBE AND MAIL


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What is this all about?

For decades, indigenous women in Canada have been disappearing and dying violently at alarming rates. An unprecedented RCMP report, released in 2014, found there were 1,181 police-reported cases of homicides and long-term disappearances

inv  indigenous women and girls between 1980 and 2012. Shortly after the RCMP report was published, 15-year-old Tina Fontaine's body was pulled from a Winnipeg river – a high-profile homicide case that reignited calls for a national inquiry into the violence. Although the RCMP have emphasized a "strong nexus to family violence," that is not the whole story. A Globe and Mail investigation determined that indigenous women are roughly seven times more likely to be slain by a serial killer than non-indigenous women. Advocates believe the RCMP figures underestimate the crisis because they do not include deaths unduly deemed not to be suspicious or disappearances that were never reported. Some believe the true number of killings and disappearances is closer to 4,000.


What are some of the underlying issues?

The commission is tasked with probing the systemic causes behind the violence. While the terms of reference do not specify the social ills that should be looked at, the following factors will undoubtedly be examined: the overrepresentation of indigenous children in the child-welfare system, racism, sexism, inadequate on-reserve housing and education opportunities, poverty, addiction, sexual exploitation, domestic violence and insufficient public transit, including along the "highway of tears" in northern British Columbia, where numerous women have died or disappeared in recent decades. Inevitably, the inquiry will also consider the impact of the residential school system, the Sixties Scoop, the Indian Act and colonialism.

What about missing and murdered indigenous men?

Indigenous men also disappear and die violently at disproportionate rates, and yet the inquiry is focusing on women. The federal government has said this is at the request of national indigenous organizations. Indigenous leaders, including Grand Chief Sheila North Wilson of northern Manitoba, have noted that it was women who organized the vigils and annual marches calling for an inquiry. Ms. North Wilson – who coined the social-media hashtag #MMIW, for missing and murdered indigenous women – added that since her culture is matriarchal, taking care of the women also means taking care of families and communities.

Where do the political parties stand?

For  conservative prime minister Stephen Harper asserted that the violence is not a purely sociological phenomenon" and crimes are best handled by police. His government's position was that there was no need for further study. During the 2015 federal election, the Liberals and the NDP campaigned on a pledge to launch a national inquiry. In December, the newly elected Liberals started preinquiry consultations, which were conducted across the country over the course of three months. On Aug. 3, the government released the terms of reference and named five commissioners. The Conservatives, now the Official Opposition, have said they support the inquiry.

Who are the commissioners?

The head of the commission is B.C. Provincial Court Justice Marion Buller. A member of Saskatchewan's Mistawasis First Nation, she became British Columbia's first female First Nations judge in 1994 and was instrumental in the launch of the province's first First Nations Court in 2006. The other four commissioners are: former Native Women's Association of Canada president Michèle Audette, an Innu woman who lost her bid to represent the Liberals in a Quebec riding in last fall's federal election; Qajaq Robinson, a Nunavut-born, Ottawa-based civil litigation lawyer who speaks Inuktitut and served as legal counsel at the federal Specific Claims Tribunal; Marilyn Poitras, a Métis law professor at the University of Saskatchewan who has litigated at every level of court in Canada; and Brian Eyolfson, a First Nations lawyer who served on the Human Rights Tribunal of Ontario and worked in the legal services branch of Ontario's Ministry of Indigenous Relations and Reconciliation.



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What is their mandate?

The terms of reference direct the commissioners to inquire into the systemic causes of the violence, including social, economic and historical factors, and to examine institutional policies and practices. They must make recommendations on "concrete and effective action that can be taken" as well as suggest ways to honour the victims. The commissioners and their staff can conduct hearings wherever they see fit, but their mandate says they should especially do so in indigenous communities. The commissioners are authorized to establish regional and issue-specific advisory bodies comprising, among others, victims' relatives. They can take into consideration previous studies, including the Truth and Reconciliation report into the horrors experienced by indigenous children in the residential-school system and the Oppal Inquiry in British Columbia, which examined police failures in investigating the disappearances of women slain by serial killer Robert Pickton.

What powers do they have?

The federal cabinet passed an order in council launching the independent probe under the Inquiries Act, which says commissioners may issue subpoenas to compel testimony and documents. The inquiry's terms of reference preclude the commissioners from making findings of civil or criminal liability. Some of the most important and controversial areas of discussion – child welfare and policing, for

example, all outside federal jurisdiction. To overcome this and ensure that the inquiry is national and not just federal, the provinces and territories have agreed to pass companion orders-in-council. These orders will empower the commission to pursue matters of provincial and territorial jurisdiction.

What are some of the concerns about the inquiry?

Many proponents were shocked and upset that the issue of policing was not explicitly mentioned in the terms of reference. Some victims' relatives question the quality of the investigation into the death or disappearance of their loved one, and were expecting the inquiry to strike an independent civilian body to probe police conduct and review specific files. The commissioners can pass information they glean to the relevant investigating authorities, but victims' families note that these are the very authorities they do not trust. They point to the allegations against several police officers in Val-d'Or, Que., who have been accused of physically and sexually abusing indigenous women, and to allegations against the RCMP in northern British Columbia related to excessive use of force and mishandling of missing-person cases. There are concerns that there is not enough trauma support for victims' families, that none of the commissioners is Inuit or from Manitoba and that the commission cannot make findings of wrongdoing. There are also people who believe the inquiry will be a waste of time and money – that the underlying causes are known and the funds would be better spent, for example, on social programs.

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The commissioners officially begin the two-year inquiry on Sept. 1. Their first report, an interim document setting out preliminary findings and recommendations, must be submitted before Nov. 1, 2017. The final report is due a year later. The commission must file its records and papers to the Privy Council clerk "as soon as feasible" after the inquiry concludes.

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