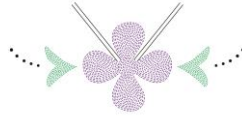




National Inquiry into Missing and Murdered Indigenous Women and Girls  
Enquête nationale sur les femmes et les filles autochtones disparues et assassinées



March 6<sup>th</sup>, 2018

The Honourable Carolyn Bennett, M.D., P.C., M.P.  
Minister of Crown-Indigenous Relations and Northern Affairs  
10 Wellington Street, 21st floor  
Gatineau QC K1A 0H4

Dear Minister Bennett:

The National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry) is requesting that you approve the revision of the Terms of Reference to grant an extension of 24 months and the submission of the Final Report on November 1, 2020. We are asking the federal government for additional funding up to \$50 million. If the extension is approved we will work with government officials to fine-tune the amount needed.

We firmly believe that an additional two years is required to do justice to our critically important mandate in a trauma-informed and culturally appropriate way that demonstrates the importance of engagement. We have heard from many families and survivors who have been able to share their truths and be heard in the safe space the National Inquiry created, a space not traditionally held by Indigenous women and girls and 2SLGBTQ individuals. We encourage Canada to support the healing of families and survivors and their engagement in our processes.

We have expended a significant effort in the past year and a half responding to the needs and expectations of families, survivors and communities, and holding Community Hearings in a manner that draws out strong evidence and promotes healing. Without an extension, the number of stories the National Inquiry will receive from families and survivors will be limited and not every person who wants to share their truth will be heard. There are 630 families and survivors who have registered to share their truths with us who have not yet been heard. It is important to emphasize that as time passes this number increases. Moreover, the sheer number of First Nation, Inuit, Métis and urban Indigenous communities challenges our ability to hear the voices of those who want to share their truth with us and whose voices will be lost and silenced.

The additional time would ensure that all families and survivors who wish to talk to the Commissioners or to a Statement Gatherer can do so and that their recommendations for change could be considered for inclusion in our Final Report. It will also allow us time to more thoroughly engage with 2SLGBTQ people and to reach vulnerable Indigenous women and girls including those who are incarcerated, homeless and trafficked.

Time and resource constraints make it challenging for us to collect the comprehensive and in-depth evidence essential to our mandate. It has been difficult to obtain critical regional institutional and expert evidence, conduct the expansive research needed and hold additional Hearings, roundtables and colloquia that would yield valuable information.

As is often common with commissions of inquiry we faced many unforeseen challenges. We tried to hit the ground running and underestimated the infrastructure and resources required. There are several key expenditures that were not included in government's original costing and as a result we are projecting a deficit for the next fiscal year. We are working with government to find solutions to such challenges.



Our aim is to produce a Final Report that, amongst other things:

- fills critical knowledge gaps, highlights the realities of Inuit, Métis, First Nations women and girls and 2SLGBTQ individuals that have previously been ignored, and creates a living legacy of their contributions and wisdom;
- serves as a tool to support self-determination and reconciliation; and
- makes recommendations that all levels of government can adopt.

### **What We Have Accomplished**

The National Inquiry provides a strong national platform and a safe space for Indigenous women and girls and 2SLGBTQ individuals to share their truths in a meaningful and inclusive way. As of March 2, 2018, the National Inquiry has held 11 Community Hearings, 5 Statement Gathering events across the country and one Expert Hearing. We have heard from 763 witnesses. We have held 134 public hearings, 103 in-camera hearings and our team of Statement Gatherers has collected an additional 276 statements. We have received 45 Artistic expressions.

The public testimonies are live streamed on social media and through media outlets and are available in both of Canada's official languages. This access increases the awareness of and educates the public about the issues that are at the core of our mandate and the realities facing Indigenous women and girls and 2SLGBTQ individuals. We will explore other ways of engaging with the public to inspire empathy with Indigenous women and girls and understanding of their strength and resilience. We will distribute broadly the public recordings of hearings and reach out to media outlets to work with them on possible primetime programming.

To hear as many perspectives as possible, we continue to meet with Elders, survivors, families, coalitions and Indigenous leadership across the country. We hold regular calls and meetings with NFAC. NFAC is comprised of advocates for missing or murdered loved ones and survivors who come from diverse nations, regions and communities across the country. They are critical partners who guide us in our work.

It is imperative that our work and recommendations be informed by the perspectives of the Inuit, the Métis and Indigenous women and girls living in Québec. Our work as it relates to the Inuit is guided by our Inuit staff and two high-profile Inuit Advisors. An Inuit Advisory Committee, with participants from the regions of Inuit Nunangat as well as Inuit living in urban centers, is being convened and will be available to us during the current mandate. A Métis Advisory Committee is being established and will be available to us during the current mandate so that we can meaningfully and proactively engage with and learn from Métis, Elders and Youth. Equally important is to have the experiences of Indigenous women and girls living in Québec. Our work as it pertains to them is supported by our Indigenous staff living in Québec and a Québec Advisory Committee that will be available to guide us during our current mandate. However, our ability to obtain the maximum benefit from the guidance of these Advisory Committees is limited by the timeframe of our current mandate.

### **Limitations of the Current Mandate**

We are committed to fulfilling our mandate in a manner that will lead to effective recommendations. However, the current mandate does not allow for the intensity of engagement required to get the outcomes the National Inquiry is looking for.



Without an extension, the evidence the National Inquiry collects will be curtailed. There are hundreds of families and survivors registered to testify who we will not be able to hear from including Indigenous women and girls who are incarcerated, homeless, involved in the sex trade, being trafficked or are living in violent circumstances.

The current mandate restricts our ability to be inclusive and engage fully with the Métis, Youth, 2SLGBTQ individuals and French-speaking Indigenous women and girls living in Québec whose input would contribute to more all-encompassing recommendations.

Regional Institutional and Expert hearings will not be possible and therefore will limit the availability of information on topics such as policing, criminal justice, healthcare, addictions, child welfare, victim services, education, coroners and the media. A small number of Institutional and Expert Hearings will take place on subjects such as human rights and racism and two National Institutional Hearings on policing and government policy and services will be held. Consequently opportunities to identify regionally based systemic problems and barriers attributable to the division of legislative powers in Canada will be lost

Work has begun to create a forensic file review team to conduct an analytic audit of a representative sample of police files, court and prosecution files. Its mandate is to identify systemic problems and areas of weakness and make recommendations to improve investigations, outcomes and relationships between police, prosecution and families and survivors. The team will begin its work during our current mandate, but the number of files it will review will be limited weakening its findings and proposals.

Our research team will not be able to commission new projects or conduct original research. Many of the reports listed in the Terms of Reference are dated or lack a gendered perspective or Indigenous knowledge; relying too heavily on them will lessen the value of our work. Moreover, they lack a distinctions-based lens, which has resulted in gaps as they relate to Inuit and Métis women and girls as well as the experiences of Indigenous women and girls living in Québec.

The National Inquiry has recently begun to enter data and records into our electronic document management system. Additional time would allow for the collection of a greater volume and diversity of records and data that would be entered into this document management system enhancing our ability to conduct more robust analysis and evidence based reports.

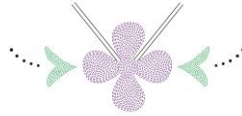
### **The Need for an Extension**

If granted an extension the National Inquiry will hold additional Community Hearings and statement gathering activities in a number of regions where currently we lack a presence and where an urgent demand exists. For example a coalition of five Toronto-based Indigenous organizations has requested that a Community Hearing be held in Toronto. We understand that the Coalition is aware of about 50 cases of missing and murdered Indigenous women and girls in the Greater Toronto Area.

The National Inquiry will be able to reach out to vulnerable populations whose perspectives are necessary to the fulfillment of our mandate, for example incarcerated Indigenous women and girls. We will reach out to organizations such as the Elizabeth Fry Society to help gather their truths and with the cooperation from Correctional Service of Canada, we hope to hold a Community Hearing in a women's penitentiary. A mandate extension will give us the time to establish advisory bodies involving Indigenous youth and 2SLGBTQ individuals.



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An extension will allow us to hold four additional National Institutional Hearings, four additional National Expert Hearings and ten to 13 Regional Institutional Hearings. These additional hearings will enable us to explore issues that include human trafficking and sexual exploitation, institutionalization of Indigenous women and girls, and the provision and availability of health care and addiction services. Regional Institutional and Expert Hearings would capture regional and distinctions based specificities with respect to the causes of violence and solutions required to end that violence.

Because the Inquiry is national in scope, its research needs to reflect the cultural and regional diversity of First Nations, Inuit and Métis peoples, perspectives and experiences. With a two year extension the National Inquiry will commission external experts to conduct research projects, called Avenues of Investigation, which focus on the experiences of Indigenous women and girls and 2SLGBTQ individuals and their strength.

These commissioned Avenues of Investigation will be on the topics of: *The Criminal Justice System, Policing, Prosecution, Judiciary, Corrections, Probation and Parole, Judicial Interim Release & Coroner Practices; Institutional Systems of Colonial Violence and Freedom from it as a Political, Economic and Social Right; Violence and Indigenous Women, Girls & 2SLGBTQ People; and Media, Advocacy and Action for Change: Evaluating National Inquiry Calls to Action.*

The Avenues of Investigation will include literature reviews and consider information from the evidence from survivors and families, Expert and Institutional Hearings, and the forensic file review. Following each Avenue of Investigation, in accordance with sections g (i & ii) of our Terms of Reference, one or more roundtables will be held to bring together families, survivors, experts, and academics to brainstorm, identify systemic problems and make recommendations for our Final Report.

Our research team will conduct original research into priority areas such as case studies of successful grassroots programs; Canadian legislation such as the *Indian Act* and sections 91(24) and 35 of the Constitution; the experiences of Inuit, Métis, 2SLGBTQ individuals and Indigenous women and girls living in Québec; and the reports set out in Manitoba's Order in Council.

Data collected from all sources will be analyzed through a decolonizing, culturally-specific, gendered and rights-based approach that situates Indigenous women, girls and 2SLGBTQ people as holders of constitutional, human and Treaty rights that continue to be violated.

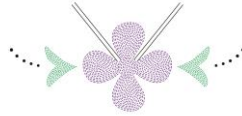
If granted only a one year extension much of this work could be done but we believe that two years is needed to do all the work that needs to be done and to do it well. It is important to understand that, in our view, any extension of less than two years would severely limit the value of our work.

## **Recommendation**

Our work is not yet done. As the National Inquiry continues to shed light into these dark places, it aims to take immediate action to respond to this ongoing national crisis. With an additional two years, the National Inquiry will have a true understanding of its causes and will be able to present practical recommendations that will lead to the safety, security, and health of future generations of Indigenous women and girls, and 2SLGBTQ people.



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The National Inquiry wants to give life to the information it gathers and identify pragmatic solutions to be implemented. In order to deliver on this critical piece of our mandate we need the time and resources to do the research, hear from the experts, hold the requisite Institutional and Expert Hearings, host the roundtables, collect the stories, conduct the analysis of all the information we receive, and validate and build support for our findings and recommendations.

Given the grave circumstances of our Indigenous women and girls and 2SLGBTQ people and the necessity to address these harms, we are hopeful that an extension to December 31, 2020 will be granted so that we can meet the expectations for what this National Inquiry was set up to accomplish.

If you approve an extension, our staff will work with your officials to determine what resources will be required for the period from April 1 to December 31, 2018 and the extended period.

Thank you for your consideration. We look forward to a favourable response from you in the near future.

Sincerely,

Marion R. Buller  
Chief Commissioner

Michèle Audette  
Commissioner

Brian Eyolfson  
Commissioner

Qajaq Robinson  
Commissioner

The National Inquiry into Missing and Murdered Indigenous Women and Girls