



Assembly of Manitoba Chiefs
EMPOWERING OUR NATIONS

**CLOSING SUBMISSIONS FOR THE
NATIONAL INQUIRY INTO
MISSING AND MURDERED
INDIGENOUS WOMEN AND GIRLS**

**Treaty One Territory
December 14th, 2018**

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ABOUT US

The Assembly of Manitoba Chiefs was created in 1988 by First Nations in Manitoba to coordinate political action and technical work on common issues. It is a product of political and social developments that have been underway for decades. Faced with the domination and assimilation policies of Canada's Department of Indian Affairs, First Nations have long recognized their common interests and the strength to be found in solidarity. Creating an organization able to accommodate the linguistic, cultural and geographic diversity of First Nations has been a major accomplishment.

The AMC's predecessor was the Manitoba Indian Brotherhood (MIB). Early efforts at province-wide organization culminated in the creation of MIB in the late 1960s. It provided a representative political body based on regionally elected vice-presidents and a president who provided the first common voice for First Nations in the province. MIB (later renamed the First Nations Confederacy) endured through a period of intense struggle to gain recognition of Treaty and Aboriginal Rights in Canadian courts and legislatures and to begin the process of development and healing of First Nations. By the early 1980s, the strains of an increasingly complex agenda and emerging regional interests led to dissolution of the province-wide body.

The role of the AMC is essentially political. Internally, the organization functions to build consensus on issues and priorities. Externally, the AMC presents a common front in pursuing issues in many different ways.

Since 1988, the AMC agenda and priorities and the capacity of its Secretariat have developed, expanded and evolved. Today, the AMC is governed by the mandate set out by 62 member First Nations and advocates in several policy sectors including: child and family services, health, education, citizenship, gaming, Jordan's Principle, social development, urban and Treaties.

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EXECUTIVE SUMMARY

[W]e need a new house, and that new house is the house that your parents dreamed of and should have had long ago because that is probably a house that is built on their identity and who they are as people. And so of course, I don't – I know that a new house sounds like a super extravagant ask, but I think that after over 150 years of residential school and Sixties Scoop and a child welfare system, that a new house is not much to ask for.¹

1. First Nations women and girls who have been murdered or who have disappeared, their families and survivors must be honoured and acknowledged at the outset. Without the tireless efforts of the families of Missing and Murdered Indigenous Women and Girls (“MMIWG”) and survivors, there would not have been this National Inquiry into MMIWG.
2. While the National Inquiry process was flawed, it offered an opportunity to families of MMIWG and survivors to share their truths based on experience. The only way to truly honour their courage and truths is to ensure that the recommendations flowing from this Inquiry are acted upon so that First Nations can heal. That is our collective responsibility.
3. Healing from the trauma which affects all First Nations requires us to respect one another and face the hard truths shared before and during the Inquiry.

A State of Emergency

4. The first truth is that Canada is in a state of emergency – far too many First Nations women and girls have gone missing and have been murdered. First Nations women and girls continued to disappear and be murdered even as we were grappling with this crisis during the Inquiry process.² The sheer number of MMIWG in Canada are staggering.³ More importantly, these First Nations women and girls are our sisters, wives, daughters, cousins, friends, neighbours, mothers and grandmothers.
5. We are all deeply affected by this tragedy. There is not one First Nations family in Manitoba that has not been wounded by this violence. It has a devastating and rippling effect on all of us.

The Crisis of MMIWG is Caused by Colonization

6. The second truth is that the crisis of MMIWG is a direct result of colonization. Colonial policies and laws established control over every element of our lives as First Nations people – our identity,

our culture, our children, our movement, our relationships, our education, our lands, our resources, our food – our survival. All government institutions are built upon these racist foundations intended to erase our traditional and ceremonial ways.

7. Prior to the arrival of Europeans to Turtle Island (what is now called North America), First Nations in Canada had their own laws, systems and ways of being. There were many tribes in North America, at least 200-300 and each spoke their languages and were guided by their relationship to the Creator through ceremonies.⁴ When individuals experienced hardship, their families and communities supported them. When “crimes” were committed, laws and systems were in place to determine the different courses of action. If people in the community went missing, ceremonies and spiritual leaders guided our searches.⁵

When our people were a strong nation, we raised our children the way the Creator intended them to be raised. They were taught to live a good life and to respect every thing on Mother Earth. We have our own ways of educating our children with the tools they needed to live a good life. It was the community responsibility to raise the children and teach them.⁶

8. First Nations prophecies told of foreigners were going to come to Canada. According to these prophecies, many of us would be killed for our lands, new diseases would be introduced, our children would be stolen, and the ways First Nations spoke to the Creator would be taken away from them.⁷ When the settlers first came to Canada, they were ill prepared and First Nations viewed them as pitiful.
9. From the beginning, the relationship and communication between Europeans and First Nations was challenging because of differences in worldviews.⁸ Following the treaty signing process, there were a series of government policies and laws introduced and imposed upon First Nations people.⁹ These laws and policies had the objective of assimilation and resulted in the forced dismantling of our ways of life and forced relocation of First Nations people to reserves.
10. But, First Nations have always pushed back. Over the last 150 plus years, Canada has designed systems that continue to “remove the Indian from the child” and tried to “get rid of the Indian problem”.¹⁰ Our languages, way of life and being were all considered as a “problem” by colonizers because we were so strong in our ways.
11. Poverty, low levels of education, inadequate housing and loss of value for life of First Nations

people are all a direct result of colonization. It is the consequence of the continued imposition of foreign laws, policies and practices.

Our children were stolen from us and sent to residential school. Our ancestors were sent to jail for living their way of life. Our ancestors were enfranchised, becoming non-Indians. Our female matriarchal system was broken down and replaced by a male patriarchal system of living. Child and Family Services and jail institutions were established to address the genocide of the way of life of our Nations. ¹¹

12. First Nations are caught in foreign Western systems from birth to beyond death – whether through residential schools, child welfare, the justice and health systems, social assistance, or the Indian Act. Settlers benefit from the displacement of First Nations peoples, the theft of our lands and the commodification of our people.¹² They have continued to promote the idea that the lives of First Nations women do not have value and do not matter.
13. First Nations people are resilient and strong however, we have been forced into survival mode – living in a house with a foundation damaged beyond repair.
14. The taking away of First Nations women and girls through violent and disturbing crimes is an act of genocide. It is a continuation of the legacy of residential schools, the Sixties Scoop, sanitoriums and the current efforts linked to the child welfare and justice systems.
15. These systems funnel First Nations women and girls into vulnerable situations which place them at a higher risk of going missing or being exploited and/or murdered.
16. Colonial systems do not work for us. They have robbed us of our identities and damaged our relationships – with ourselves and with others. They are fundamentally opposed to who we are as people. **Foreign Western-based ways are incapable of dealing with the crisis of MMIWG.**
17. The third truth is that keeping First Nations women and girls safe requires us to return to First Nations ways of being and knowing. The only way to prevent future violence against all Indigenous women and girls is to move away from colonial laws and policies and return to First Nations laws and institutions for governing all aspects of our daily lives.
18. It is critical for all First Nations women and girls to know that they are sacred and powerful. Our teachings tell us that “it is upon women that all life depends” as they are life and water carriers.¹³

19. Meaningfully addressing the crisis of MMIWG affecting all Manitoba First Nations citizens requires a fundamental paradigm shift.
20. This can be accomplished with a return to First Nations laws, ways of being and knowing. The *United Nations Declaration on the Rights of Indigenous Peoples* UNDRIP offers a map to achieving this objective.¹⁴
21. The Assembly of Manitoba Chiefs (“AMC”) closing submissions are presented in a format which reflects First Nations teachings and laws.¹⁵ They are presented based on the seven stages of life - the good life (birth to infancy); the fast life (infancy to youth); the wonder and wondering life (older teenage years); the truth life (young adulthood); the planning life (adulthood); the busy life (middle age); the elder life (later years in life).
22. Throughout the MMIWG National Inquiry hearings, we heard stories relating to and from First Nations women and girls who were at many different stages of life. What became most evident throughout the Inquiry was that many First Nations women are robbed of the opportunity to experience the seven stages of life.
23. The system is broken beyond repair. We cannot continue to empower colonization. We must fundamentally change the landscape now. First Nations women and girls cannot afford to wait for us.
24. First Nations worldviews and laws are required for a better future and to begin healing from continued disruptions. The only meaningful way to move forward is to restore our own jurisdictions. As stated by Cora Morgan, “we cannot continue to conform and contort ourselves into foreign systems.”¹⁶ To ensure a better future for Indigenous women and girls, we must dismantle the effects of colonization.

SEVEN STAGES OF LIFE¹

OVERVIEW

25. The stories we heard during the Inquiry tell important narratives about the individual and collective impacts of colonial disruptions. As a result of colonial disruptions, First Nations women and girls have been stolen from us too soon - having ripple effects on their families and communities at large. We all feel this grief and loss.

26. Faced with this appalling narrative, it is tempting to rush to familiar Western tools to move forward, prevent future crimes and “solve” the complex individual and systemic issues. It is also tempting for federal, provincial and territorial governments to put forward unilateral initiatives which they suggest will address the issue but without engaging with the First Nations people who are directly impacted by these government decisions.

27. Western laws and ways are not capable of preventing further violence against First Nations women and girls. These foreign systems are not suited to help us heal from the collective trauma they have caused.

28. First Nations teachings tell us that there are seven stages of life. As a direct result of colonization, many First Nations people no longer hear or know these teachings. They will not experience ceremonies. Many will never hear teachings about the sacredness of life – or hear that all women are sacred. They will not understand their role as protectors of land and water. They will not know that violence against Mother Earth is violence against women.

29. In addition to being caught in foreign systems, First Nations women and girls are also stuck in stages of life and are not able to move forward emotionally and spiritually. Because of their interactions with colonial systems, a 60 year old woman may be stuck in the second stage of life and at an emotional age of 6 years old.² According to First Nations teachings, these are people who have “failed to thrive because of oppressive ways.”³

30. Those of us who do not pass through the stages of life through ceremony and teachings are more vulnerable to exploitation and violence as we do not know who we are. We have lost value for life – our own life and the lives of others.

31. First Nations women, men and gender diverse people are hurting from the loss of these teachings and laws. Elders who were keepers of the knowledge have passed on without having the opportunity to share their teachings. As a result, generations of First Nations children do not know who they are. First Nations women and girls have not been taught that they are important and sacred.
32. Just as our teachings have been stolen from us, so too have First Nations women and girls. They are taken from us far too often and soon. Their travel through the stages of life are abruptly interrupted and they are robbed the opportunity of completing their life journey.
33. First Nations women and girls also experience disruptions throughout their journey. Those disruptions impact First Nations women and girls who disappear, are murdered and/or abused. It affects their families and community at large.
34. All First Nations women have either experienced, have family members who have experienced or know someone who has experienced one or more of the following: racism, violence, poverty, mental illness, MMIWG, stolen children, addictions, and involvement with the justice and child welfare systems.
- 35. To begin healing from this tragedy- we must return to First Nations worldviews and laws.**
36. The teachings which were offered by Elders Florence Paynter and Dennis White Bird relating to the seven stages of life offer necessary insight into why it is required to return to First Nations ways of being and knowing. The discussion of “disruptions” outlined at the various stages of life reflect sensitive stories and accounts of the types of experiences heard by AMC in recent years.

STAGE 1- GOOD LIFE (BIRTH AND INFANCY)

37. *Elders teach us that as soon as there is conception, there is a spirit or a “blue light”.⁴ When the blue light comes into our bodies – parents, families and communities celebrate that new life.*
38. *Before we are born, we are in our mother's womb. A mother forms her connection to her child from the moment they are in their womb. During our time in our mother's womb, we are already in the*

process of learning our roles and responsibilities. It is during that time that the Creator and our mothers are making their plans for us.

39. *The birth of a child is the greatest grand entry of their life.⁵ A child is a gift from the Great Spirit who is dependent upon other humans and is “entitled or requires help to be safe, nurtured, care for and loved.”⁶*
40. *When a baby is preparing to make its arrival into the physical realm, “it announces its arrival by the breaking of the water, or mucous plug. This is a natural way of showing us the connection women have with water.”⁷*
41. *Elders speak of a time when midwives used to read birth waters to identify the gifts and talents of individuals at birth.⁸ It was determined at that time whether children would be artists, leaders, teachers or some other life purpose. According to our teachings, from that moment, it was the responsibility of the grand-mothers, mothers, family members and community to support that child and foster their gifts and talents.⁹*
42. *This stage is called the “good life” because it is when our caregivers tend to all the needs of the child.¹⁰ When a woman is with child, it is a “very sacred and special time” for her.¹¹ The responsibilities of parents for the safety and security of their children starts at this stage.¹² It is the mother's responsibility to care for her body, mind and spirit.¹³*
43. *Once babies are born, there are specific ceremonies that must take place.*

There was even a specific manner and ceremony that the birth placenta would be handled. The child would be named through ceremony within four(4) days of being born. There is a specific purpose of the tikinagan, (the infant carrier) and why a child would not touch the ground for the first year of their life. The stand up or walking out ceremony would take place when the child turned one (1) years old.¹⁴
44. *The naming ceremony plays an important role in helping the baby understand who they are throughout their life.¹⁵ Naming ceremonies are gatherings of “family and friends and is a process that helps understand the roles we must fulfill.”¹⁶ Basil Johnson explains that “[w]ith the gift of name (even though it might change later in life) a duty to espouse the ideals embodied in [her] name was imposed upon the infant, and upon the parents an obligation to guide the child in the pursuit of those ideals.”¹⁷ Names also reveal “your personal rights and responsibilities and*

provides direction for you as an individual.”¹⁸

45. *The family and community present at the naming ceremony are offered tobacco to participate in the ceremony. In doing so, they accept roles and responsibilities for caring for the baby for their entire life.*¹⁹
46. *Children are taught by example and it is the family and community's responsibility to teach them what they need to know to live a good life.*²⁰ *The value of kindness is taught at this stage of a person's life.*²¹ *When the child reaches infancy, it is important for them to know that they are loved – when they know this, they do not forget it.*²²

DISRUPTIONS

*Elders have said that the most violent act you can commit to a woman is to steal her child.*²³

47. When a First Nations woman is pregnant, she is immediately negatively judged by her brown skin no matter her economic, professional or educational background.²⁴ If she has fair skin, she may be treated better upon first impression compared to her sister with darker skin.²⁵ As stated by Dr Barry Lavallee, she is unable to interact with the health care system except in stereotype.”²⁶
48. When she enters the hospital for her first prenatal appointment, she is told repeatedly that she should refrain from drinking alcohol. She is asked if there has been previous child welfare involvement and is questioned about the baby's father. She is asked multiple times whether she is *sure* that she wants to have her baby.
49. If she lives in a First Nations reserve in Manitoba, she will have to travel to an urban centre like Winnipeg, Brandon or Thompson to attend her medical appointments. It might be her first time outside her community. She may not know how to take the bus or how to find the hospital. She may be excited for her trip to the “big city” so she can also do some shopping for the baby while she is there. She may be staying with a relative or she may be alone in the city and renting a hotel room downtown or receiving home.

50. As a residential school survivor or the daughter of a residential school survivor, she may not feel equipped to be a parent.
51. She recalls being separated from her parents, culture and community at a very young age. She may have witnessed her parents fighting, drinking alcohol or her mother getting abused by her father.
52. She may have been physically and/or sexually abused by her teachers in residential school or fellow classmates. She may also have been physically or sexually abused by a family friend or family member when she went home. She was encouraged to keep quiet and began thinking of these things as normal.²⁷ All she knows is that she can be used and abused.
53. She may have been publicly scolded or punished for speaking her language. She may have attended residential school with one or more of her siblings, but she would have been separated from her brothers as young boys and girls were segregated.²⁸ She would have been slapped if she so much as waved at him. Otherwise, she may have been completely separated from them as early as four years old.
54. She may not have finished high school. If she attended residential school, she may no longer speak her language. As a result, she may not be able to communicate with her parents and grandparents anymore.
55. If she returned home from residential school, her parents may no longer be together, family members may have passed away and others may have moved away. She may have met new siblings for the first time during these visits and may have been unable to connect with them. Upon returning to her parent's home, she may no longer feel "at home" or able to connect with her family.
56. As a teenager, she may have left her First Nations for better educational or employment opportunities. Without having finished her high school education, she may not have been able to find employment and is unable to earn a living wage.
57. If she stayed in her First Nations, she may still be living with her family, continuing to witness violence between her parents or her siblings and their partners. She may have started drinking, self-

harming, taking drugs or engaging in other destructive behaviours to numb the pain.²⁹

58. As her baby grows inside her womb, the young First Nations mother feels more and more alive. In fact, she has never felt **so** alive.
59. She is both excited and scared about what the future holds for her and her baby. She does not know that when her baby is born, she will be at greater risk of being apprehended at birth and experiencing multiple levels of trauma, grief and loss. She is hopeful for a good future for her baby – a life that is better than the one she has had.
60. If she lives in a home where there is violence or poverty, she may fear the potential involvement of the child welfare system. She may have witnessed her friends or family members have their children taken from them. She remains hopeful that her and her babies' future will be different.
61. When her water breaks, she rushes to the hospital. After a lengthy labour, her baby girl is born. The First Nations woman – a new mom - has never experienced so much pain and joy at one time.
62. As she holds her baby close, a nurse walks into her hospital room with a stranger. The stranger is holding a baby car seat. She is there to take her baby girl. Without any warning or explanation, despite the First Nations mother's significant opposition, her baby girl is taken from her within 24 hours of being born.³⁰ The First Nations mother likely does not know where her baby is taken.
63. The First Nations mother leaves the hospital alone and with potentially nowhere to go while she is experiencing the most extreme violation – that of a stolen child.
- 64. There is a fork in the road.**
65. She may be able to find the courage and strength to fight for her baby to be returned home. But she is feeling so much loss and pain. There are no supports to effectively help her fight for her child.
66. If this is the path she chooses – she will face many obstacles along the way. She will live in poverty and may never have the resources for a “suitable” home for her child.

67. The other path she may take is one of drowning her pain. In drowning the pain, she will be subject to many risks where addictions, a lack of will to live, violation, abuse, and worthlessness may all ensue.
68. She may be one of 350 cases on her Legal Aid lawyer's desk. When she has her day in court, she will likely face racism and stereotypes by individuals far removed from her reality. She may be told by a judge that the cultural heritage of her baby is not relevant to the child's "best interest".³¹
69. In the meantime, she will also be facing the scrutiny of the child and family services agency. A system which will be providing her baby's foster parents money for activities while denying her rights of visitation.
70. She will miss the most fundamental years of her baby's life - from birth to two years old. A time when nurturing is critical for our babies' future development and emotional memory.
71. Eventually, her hope for reunification will fade and she may feel a sense of hopelessness. Again, that loss of value for life will consume her as the child welfare system does not offer her preventative supports and treats her as guilty of being an "unfit mother". She will never be given the opportunity to prove otherwise.
72. The First Nations mother's baby is another generation removed from family and culture. The baby girl is bounced from place to place and never experiences unconditional love or a sense of belonging. She carries grief and loss even if she is only two years old.
73. The earliest moments of her life may be spent in emergency shelters rather than in the loving arms of her family.
74. The baby girl will not know her name, who she is, and to whom she is connected. Her ties to her family and community will be severed within hours of entering the physical world.

STAGE 2 – FAST LIFE (YOUNG ADOLESCENT YEARS)

75. *The next stage of life is called the Fast Life. It is called the Fast Life because everything happens so quickly from the time a young girl is 3 years old to when she begins her menses.³²*
76. *As children approach their teenage years, things become more challenging for them. They struggle to fit in and find their identity, caught between being a child and an adult.³³*
77. *During this time, young girls and boys demand a lot of time from their parents while testing each others' patience.³⁴ As they age, they begin to think that they know more than their parents and seek independence.*

However difficult it may be for families at this time, it is imperative for parents to continue loving, supporting, and providing for their child. At this stage, the child still requires guidance but often does not see their parents as being able to provide it. [...]

Honesty is the gift for this life stage. At this time, children are often questioned about their actions and are often told to be truthful. This is an important lesson at this stage and can be difficult for both the child and the parent. When children are honest with others and with themselves, they will be more grounded and ready to face the challenges of life.³⁵

DISRUPTIONS

“You know, what we have going on now is worse than the residential school?” And I said, “No. Well, why do you say that?” And she said, “Well at least in residential school, our children were with us for those most fundamental years of life. But when you look at the system now and they're taking babies at birth and toddlers, then we are further depriving them to be set up in life and we are depriving them of that connection and their identity, and all of those piece that are so important to our development.”³⁶

78. As a First Nations child, she may be the sixth generation of stolen children. **She will not know that with each generation of stolen children is an added generation of trauma, grief and loss which is recorded in her blood memory.³⁷**
79. A baby girl who is removed from the care of her family at birth may reach the physical age of three years old not ever knowing that she is First Nations. She may even believe that she belongs to another culture and race.

80. She will be suffering emotionally and spiritually. She may have repeatedly asked for help. Instead, she may have been flagged by child welfare workers as a “problematic” or “disruptive” child.³⁸ Because of her behavioural issues, she may be heavily medicated and not provided with any emotional supports to deal with the issues at the root of her suffering.³⁹
81. If she is provided supports, none of them are grounded in her culture. At this stage, she may be deemed a “level 3” or “4” so that she is worth more money to the system.⁴⁰
82. This young girl will be growing up physically without the nurturing and teachings to grow emotionally and spiritually in a way that is connected to her First Nations identity.

STAGE 3 – WONDERING LIFE

83. *The next stage of life is the Wondering Life. This stage of life is when young women “begin to bloom in spirit and flourish in physical power and stature.”⁴¹ She begins to wonder about her identity about her purpose in life. She starts to think about what she has gone through and what she has learned.⁴² At this stage, the young woman desperately wants to belong. According to Basil Johnston,*

For a girl the attainment of womanhood was the most singular event in her life; it was the greatest of gifts. When her time came, around her twelfth year, the girl was removed from the village and lodged in a shelter constructed for her. For a period, lasting between four and eight days the girls abstained from food, taking only water to sustain her. Her only visitor was her mother or her grandmother.

So unique and personal was the gift of life-giving considered that young girls were placed in solitude during the receipt of gift and empowerment. The gift the young girl was receiving was the personal gift of Kitche Manitou.⁴³ [...]

In this phase the young begin to learn the arts, the skills that will enable them to conduct the life struggle alone. Boys learn to hunt, fish, make their own equipment, and to fight in defence of families and homes; girls master cooking, sewing, teaching, and looking after the well being of others.⁴⁴ [...]

There are, therefore, two great ends in training: to render a person capable of looking at his physical needs; and to discover his nature, essence and purpose through a vision.⁴⁵

But no one proceeds to the next stage until he has received a vision. Until that time, a man or woman remains a youth.⁴⁶

As youngsters grew older the stories assumed even greater depth. Themes covered hunger, courage, generosity, fidelity, creation, death, the nature and essence of being,

the tone of life, the quality of existence, transformation, history, and all matters that related to life and being, matters that engage the fascination of mankind. Youngsters, with older people, listened to fables, legends, myths, tragedies, comedies, and allegories.

For young boys, “one of the great events that deserved recognition and celebration was the first game killed .” [...] ⁴⁷

The boys received one form of training; the girl another. [...] The girl gathered wood, fetched water, watched her younger brothers and sisters; she watched the cooking of food, washed the utensils after meals. Besides these tasks, she gathered berries, vegetables, plants, birch bark. And when she was not occupied with some work, she watched the women making baskets or preparing hides, learned how to sew and repair garments and absorbed the stories told by the elder women.⁴⁸

84. *Continued parental guidance is fundamental at this stage. It is also important for parents at this stage to help their children seek guidance from Elders and mentors.⁴⁹ When boys and girls know their traditional roles and responsibilities, they are better prepared for all aspects of their journey.*
85. *The gift of sharing is the value focused upon at this stage. By this point, the purpose of life begins to become clearer.⁵⁰*

DISRUPTIONS

86. By the time she becomes a teenager, she may have already experience suicidal thoughts⁵¹ and significant mental health challenges.⁵² If she has been deemed a “level 3 or 4”, by the time she is a teenager it will be difficult if not impossible for the child welfare system to find a loving home for her. She will likely be placed in a group home with other teenager who are suffering trauma, loss and behavioural challenges like her. She may be placed in a hotel room with inconsistent adult supervision.
87. She may experience verbal, emotional, physical and sexual abuse in her group home by the child welfare workers or other teenagers.
88. Because she has been bounced from placement to placement, all of her belongings may be stuffed inside one garbage bag. She may have even been in over 50 placements. If she tries to stop the social worker from looking in or stealing from her garbage bag, she may be criminally charged with assault.

89. If she is wants to purchase food or clothing that is not provided for her in the group home, she may be tempted to steal and charged with another criminal offence. If her basic needs are not met in the group home, she may become sexually exploited as a way to make money.
90. There are any number of ways where her survival could put her in direct conflict with the justice system. She may have been picked up late at night by the police and dropped off at a homeless shelter or hospital without ever being asked if she was okay or needed help.
91. She may not attend or finish school. She may not have anyone in her life to support or encourage her. She may not even know how to dream.
92. As she is in her teenage years, she may rebel and start experimenting with abusive substances as well as engaging in other risky activities. She may roam the streets intoxicated or high without caring what happens to her along the way. She may start seeking a sense of belonging on the streets with others who are suffering. She may also run away from the group home to seek out her mother and biological family and join the many other young girls who are reported missing simply because they are trying to return home.
93. If she becomes pregnant as a teenager, her baby will likely be apprehended at birth. She may never have an opportunity to parent her child.
94. When she turns 18, she may get a modest cheque from the child welfare agency which comes nowhere near meeting her needs. She may be handed her garbage bag of belongings one last time.
95. Her only option may be to live in a homeless shelter or on the streets.
96. In this moment, she is so alone. At the same time, she is not alone at all because there are over 11,000 children in care in Manitoba. ⁵³

COMMENT ON THE NEXT STAGES OF LIFE

97. Unlike the first three stages of life where both the First Nations teachings and disruptions are shared, in the next three stages, only the First Nations teachings are provided. That is very deliberate.
98. A First Nations woman may never reach these stages of life if she is one of our sisters who is murdered and taken from us too soon.
99. If she reaches adulthood, she may never have the opportunity to learn about her culture and identity. She may have never attended ceremony, she may not have a spiritual name, she may not know her clan.
100. She may go through life without ever attaining these ceremonial stages of life. She may not have any sense of what it means to be a First Nations woman and the power that she holds. While she should be embracing her role as a leader and life-giver, she will be questioning her self-worth. The world around her will continue to tell her that she is worthless – statistically and systematically.

Stage 4 - TRUTH LIFE

101. *At this stage, people begin to know who they really are. Women continue to receive and “appreciate womanhood” and the teachings they receive from “mothers, grandmothers, aunts, older sisters, and cousins”.⁵⁴ At this stage, we model teachings of “sharing, kindness, and honesty shown to us by our grandparents, elders, parents, teachers, and others.”⁵⁵*
102. *The gift at this stage is strength. One of the ways it manifests is through relationships in terms of how couples live with one another.⁵⁶ Once individuals attain this stage, they can start settling down and begin their family life.*

Stage 5 - PLANNING LIFE (adulthood and parenthood)

103. *In Cree, this stage is called “isi peyak-motew-icik” which means “to walk as one”.⁵⁷ At this stage, adults set out their plans for the future, including for parenthood. The couple examines and discusses a variety of important topics such as “culture, language, discipline, where they will live, and their parenting styles.”⁵⁸*

104. *The four gifts that they carry become the foundation of upon which they will teach their children – kindness, honesty, sharing, and strength.*⁵⁹

105. *It is at this stage that adults may find out they are expecting a baby. As adults and parents, from the moment we find out we are expecting, it is our responsibility to ensure the safety and security of our children. It is our responsibility to pass down protocols and ways of living based on the seven sacred teachings. “We teach our children they have a purpose in life and must work at finding out what their purpose is.”*⁶⁰

106. *When parents are not able to care for their children and provide them with basic needs, the grandmothers are responsible for determining who would be appointed with the responsibility of the child and would do this through ceremony and talking together. This decision required a meeting of the grandmothers and a meeting with the appointed parent(s) or customary caregiver and instructions would be passed down.*⁶¹

STAGE 6 – THE DOING (BUSY) LIFE

107. *The sixth stage is called the Doing or Busy Life. In this stage, parents begin exercising their parental responsibilities and each family member contributes to assisting in the well-being of raising the child.*⁶²

108. *According to Bail Johnston, this stage of life is “less steep and less rugged than [the others].”*⁶³

He says that:

[t]he weight and uncertainties of leadership must be born by men and women. There are battles to be fought ; disputes to be resolved; and, provisions to be obtained. Men and women must tend to ailing and look after the infants, youth, and the aged as they must care for themselves. [...]

While men and women contend with struggles in the physical order, they must live out their visions. They must follow the path of life as is prescribed in the visions. In so doing, they must observe the laws of the world and the customs of the community. At times, laws, customs, and codes may appear to bridle and restrain the vision and bind the freedom of the individual. [...]

*Duty requires that persons honour and respect the individual spirit and vision of others. [...] At the same time a man or woman must not allow another to interfere with his vision. The vision must remain inviolate.*⁶⁴

DISRUPTIONS FOR STAGES 4-6

109. By the time she reaches the physical age when she should be journeying through the truth, planning and doing phases of her life, she may have already gone missing, been murdered or taken her own life.
110. The consequence of not progressing through the ceremonial stages of life is that her quality of life may become stagnant and she may not have any control or autonomy.
111. She may be a parent who is robbed of the opportunity to parent by the child welfare or justice systems.
112. She may be struggling with additions to drown her pain. She may be sexually exploited to obtain money for abusive substances.
113. As an adult, she may be suffering from grief and loss of one or several loved ones – whether it be her cousin, aunty or friend. One or more persons in her life could have been categorized as “MMIWG”.
114. Because of the impacts of colonization, she may not know how to pray or know that she is sacred. As a First Nations woman, she may not have the grounding in ceremony to honour the women and girls in her life who have passed or the ability to deal with her grief.

STAGE 7 – ELDER LIFE (Grandparenting)

115. *It is a gift to reach the elder stage of life. When adulthood ends,*

[t]he pace of men and women and life changes. Even the tone of living varies. But though all else may change, the stuff and substance of life remains the same. Where adulthood ends, old age begins.⁶⁵

[...]

In the evening of life, the aged give way to decrepitude and must accept the loss of strength, the lessening of endurance, and the wane of agility as part of life's destiny and the consequence of continuing to live. A former way of life must be forsaken; a new mode of living accepted.⁶⁶

[...]

Man in his last phase of life, old age, was considered to have acquired some wisdom by virtue of his living on and by fidelity to his vision. Wisdom was knowing and living out the principles of life as understood.⁶⁷

[...]

When men and women attain the last weary hill and climb toward the crest, they are sustained by the knowledge that they have lived out their visions and given a helping hand to their fellow beings. Old age is a gift of the Kitche Manitou. As such it is to be cherished; not disparaged.⁶⁸

Even in old age, life's work is not finished. There is still much good that can be done for brothers in life. By living through all the stages and living out visions, men and women know something of human nature and living and life. What they have come to know and abide by is wisdom. This is what they must pass on to those still to traverse the path of life and scale the mighty hills. Only when they finally vanish into the mists is the work over.⁶⁹

116. *Elders play a vital role as leaders and teachers in the community. It is their role and responsibility to pass their knowledge to the next generations. When they are at this stage, people seek their advice and knowledge about what they have lived and learned throughout life.*

117. *Grandmothers continue to help raise children and family. Their role is to counsel women on how to care for themselves and their unborn children. Grandmothers teach women about "the life journey of the child in that there are stages and rights of passage for the entire life of a child."⁷⁰*

118. *When we die, the blue light leaves our body and goes back to the Creator and the body goes back to the land, Mother Earth.⁷¹*

DISRUPTIONS

"I think we're trying to focus – because everything we do has to do – has to be expressed in a colonial language, as each generation comes up, we see that they're using it more. We see that in order to be successful, you have to be fluent in one of those colonial languages."⁷²

119. She may reach the physical age of an Elder without ever going through most of the stages of life. If she reaches the age of 60 years old, she may have seen and experienced racism, poverty, trauma, residential schools, and Sixties Scoop. She may never of had the opportunity to learn her language, attend ceremony or learn her teachings.

120. She may experience flash backs and may have blocked off parts of her life because they are too painful to recall. She may have carried post-traumatic stress and grief with her for her entire life.

121. She knows by this stage of her life she should be sought for her knowledge, but she is not taken seriously by anyone, including her own family. She will be unable to pass teachings to the next

generation because she did not receive them.

122. She may gather the strength to face her past but may be re-victimized by colonial systems for telling her truths and finding reconciliation in Canada. She will be exhausted and exploited.

123. When she should be living in contentment in a life fulfilled, she will be navigating a dark process of healing, maybe falling off the path again and into unhealthy coping mechanisms such as drinking, addictions, and gambling.

124. If she was reunited with her children, they may struggle with their relationship. Her children could be angry with her for abandoning them. Her family may exploit her for whatever little money that she may have. Even if she has reached this stage of her life, she may not be financially secure because she is not compensated for her knowledge and has taken on additional responsibilities in caring for family and community members. Her family will not be able to take care for her. She will have to care for herself into old age and eventually, death.

125. She could be angry at herself for all the suffering she has had in life. She may have never felt free and been institutionalized from birth to death.

THE STORY OF ONE IS THE STORY OF MANY

126. The stories shared above do not represent a single story – they are a reality for so many. Just a day before filing this written submission, a Report was released by the Province of Manitoba's Child Advocates Office about a young girl who experienced many of the issues described above. This young girl had been in over 40 placements and her multiple requests for mental health assistance and supports had gone answered. She had been in and out of hospitals due to mental illness and suicide attempts, addictions, and sexual exploitation.⁷³ At the age of 17 years old, she lost her battle with life and died because of an overdose. This young girl's story is an example of how conversations and statistics about MMIWG fail to truly capture the breadth of the disruptions in the lives of First Nations women and girls. Because this young girl was in the child welfare system, her death was kept confidential for three years. Her experiences were hidden from view and her life and identity erased, until the Child Advocate Office reported on her death. She seems to only matter in death.

127. Many First Nations women and girls fall through the cracks and are failed by multiple systems. Others are surviving within a framework of inter-generational disconnection from culture and identity. First Nations women and girls have suffered multiple and intersection levels of trauma from colonization, oppression, racism, sexism and paternalism in systems that are more interested in protecting themselves than the women and girls they are meant to serve.

128. That is the work of colonization.

129. Rather than continuing to disrupt the lives of First Nations women and girls, we must disrupt colonization.

RECOMMENDATIONS

If you have a car that needs 90-plus repairs, are you going to make all those repairs or are you going to look at a new car? And if you have a car that has 90-plus repairs required, are you going to put – is it going to be safe for children to be transported around in a vehicle that needs so many repairs?¹

130. The facts are clear and tragic – despite representing a small percentage of the population, First Nations women and girls are disproportionately going missing, being murdered and exploited. To truly change the status quo – all levels of governments must listen to Indigenous people first rather than continue to impose their systems upon First Nations people. As stated by Dr Dalee Sambo Durough,

any kind of national action plan in response to these issues needs to start with dialogue with the Indigenous peoples concerned and their exercise of the right of self-determination because they are the self in self-determination and that a national action should begin in that way in order to identify the priorities and what the specific problems are and what the potential solutions are. ²

131. The Prime Minister has stated that “[n]o relationship is more important to Canada than the relationship with Indigenous Peoples” and that the federal government is committed to building “nation-to-nation” relationships.³ Recognizing change is slow and often resisted, nation-to-nation relationships are not possible when one nation continues to impose itself on the other. A fundamental shift in the relationship is needed.⁴

And this is what we have experienced as Indigenous people and continue, because it's not going away. It's not going away because the Prime Minister says a few nice words. It's

*not going away because there's new policy and more hoops for us, for our people in our communities to jump through in our services, a new criteria, a new form of assimilation.*⁵

OVERVIEW OF RECOMMENDATIONS

*“It is the foreign laws that have been imposed on us but we allow that to continue to happen. We need to remind the powers [that] be of all the studies that have been done on our people and about the laws that have been used to assimilate us.”*⁶

132. Meaningfully addressing the crisis of MMIWG affecting Manitoba First Nations citizens requires a return to First Nations laws, ways of being and knowing. UNDRIP offers a map for achieving this objective. The inherent rights of First Nations people to autonomy and self-determination are protected under UNDRIP.⁷

133. To meaningfully give effect to the Federal Government’s commitment to a nation to nation relationship with First Nations and to address MMIWG, it must fully support First Nations governments and provide funding for initiatives relating to self-determination of First Nations in Canada. This requires all levels of government to fully implement the UNDRIP in its entirety.

134. Canada is required to uphold these rights in a manner that is consistent with the Honour of the Crown and its treaty relationship with First Nations people.⁸ The implementation of treaties based on their original spirit and intent is required in order to keep First Nations women and girls safe.⁹

135. With respect to the specific areas affecting MMIWG, AMC has outlined both recommendation and interim measures in the following areas: child welfare; human trafficking, sexual exploitation and resource extraction; justice and policing; health and education systems; education, awareness & honouring loved ones; and media.

136. All recommendations put forward by AMC are grounded in UNDRIP and relate to supporting First Nations governments, self-determination, and returning to First Nations laws, ways of being and knowing.

137. While transitioning to First Nations led solutions, rooted in First Nations institutions, there are interim measures that are required by the Crown in order to fulfill treaty obligations; and address

the systemic and institutionalized racism that resulted in the murders and disappearances of First Nations women and girls.

138. The interim measures which are provided in Appendix A, draw from the work conducted in the Families First process as well as the MMIWG Inquiry. Through the Families First process, it became clear that many of the unimplemented recommendations addressing MMIWG date back over 25 years.¹⁰ Putting a stop to MMIWG has been tempered by broken promises and the lack of political will to create meaningful change.

139. The staggering number of grieving families and survivors is not due to a lack of recommendations. It is due to a lack of political will and action.¹¹

140. We urge the MMIWG NI Commissioners to acknowledge that the AMC interim measures will not meaningfully prevent future harm to Indigenous women and girls without more. As stated by Cora Morgan during the hearings, the house is dilapidated beyond repair – we need a new house.¹²

Immediate Actions Required

141. Many families and survivors were triggered by the National Inquiry process and not offered adequate supports.¹³ Others have never received supports. It is recommended that all levels of government immediately fund and meaningfully support aftercare supports services for families of MMIWG and survivors.¹⁴ Specifically the role of government in supporting the families and survivors should be in terms of funding only and they should not place any limitations on the types of aftercare services that they can receive. This is required as an immediate action flowing from the Inquiry process. The provision of aftercare supports must not be contingent upon participation in the Inquiry.

Overall Recommendations

142. The AMC makes the following recommendations:

- that federal, provincial and territorial governments commit to respecting First Nations laws and institutions in a manner consistent with the Treaty and self-determination rights of First Nations people protected under UNDRIP by explicitly including language in this regard in all legislation affecting First Nations peoples;

- that all levels of governments meaningfully support First Nations and fund initiatives to implement the goals, objectives and rights contained in UNDRIP;
- that the Federal Government meaningfully support and fund a Manitoba First Nations specific response by AMC for two regional summits in Manitoba (inclusive of both Northern Manitoba and Southern Manitoba) to be held within one year of the release of the MMIWG NI Report for the purpose of bringing First Nations Elders, Knowledge Keepers, community members, technicians (including legal and policy technicians) to coordinate a 10 year plan to support First Nations governments and self-determination of First Nations.
 - a. **Summit One:** dealing with matters relating but not limited to human trafficking, sexual exploitation, resource extraction; child welfare; and justice and policing.
 - b. **Summit Two:** dealing with matters relating but not limited to health; education; housing; poverty; racism; and education, awareness and honouring loved ones.
- that the Federal Government provide funding to the AMC for the monitoring of the plans flowing from the Summits and that there be a long-term commitment of funding for the implementation of the plan arising from the Summits; and
- that the federal and provincial governments meaningfully support and fund First Nations mandated entities working with AMC including but not limited to Manitoba First Nations Education Resource Centre; First Nations Health and Social Secretariat of Manitoba; and First Nations Family Advocate Office of the AMC – to conduct work related to First Nations peoples in their expert areas.

CHILD WELFARE

“We have to make things good for the future of the little ones.”¹⁵

Recommendations

143. The situation in Manitoba is at crisis level. First Nations in Manitoba have passed thirty years of resolutions regarding child and family matters, including on reassertion of First Nations jurisdiction of First Nations children as recommended in the Manitoba Aboriginal Justice Inquiry. ¹⁶We must completely flip the system to reverse this trend.

144. Recognizing that certain families may continue to experience crisis, with the recodification and revitalization of First Nations laws, processes would be established in each language nation to support individuals and families when it is required.

145. The AMC makes the following recommendations relating to child welfare:

- That all levels of government implement Articles 7 and 22(2) of UNDRIP and fund initiatives to implement the goals, objectives and this right – pertaining to freedom from all forms of violence, including the forcible removal of children and genocide.¹⁷
- That all levels of government meaningfully support and fund First Nations governments efforts to reclaim and assert jurisdiction over First Nations children.¹⁸ Recognizing that certain families may continue to experience crisis, with the recodification and revitalization of First Nations laws, processes would be established in each language nation to support individuals and families when it is required.
- That all levels of government meaningfully support and fund First Nations governments efforts to bring First Nations children home and return them to their families and nations.

HUMAN TRAFFICKING, SEXUAL EXPLOITATION AND RESOURCE EXTRACTION

I don't see Canada as something that's going to help us, you know? Their laws. Change their laws. Changing their laws isn't going to help us as Indigenous people. Asserting our natural laws within our own communities and with our own values, I believe is what's going to help our own people.¹⁹

Recommendations

146. The AMC makes the following recommendations relating to human trafficking, sexual exploitation and resource extraction:

- That all levels of government implement Article 10 of UNDRIP and fund initiatives to implement the goals, objectives and this right – protecting the right to life, liberty, and security of the person and not to be forcibly removed from lands and territories.

JUSTICE AND POLICING

Well, I don't think that if you increase recruitment of Indigenous women or police officers it's going to change a system that's already dysfunctional and corrupt. You're just going into a, you know, you clean yourself and you're putting on dirty clothes.²⁰

Recommendations

147. The only way to meaningfully reduce and/or eliminate the over-representation of First Nations people in the justice system is by restoring jurisdiction of justice and “policing” issues to First Nations people and governments.

148. **The AMC makes the following recommendations relating to justice and policing:**

149. That the Federal Government meaningfully support and fund the Assembly of Manitoba Chiefs to create First Nations legal institutions in Manitoba to develop, use and understand First Nations laws relating to justice.²¹

150. That all levels of government implement Articles 19 and 34 of UNDRIP and fund initiatives to implement the goals, objectives and this right – requiring states to obtain consent from Indigenous people before implementing laws that affect them and protecting the right of Indigenous people to develop their own institutions.

HEALTH AND EDUCATION SYSTEMS

It means that if you're a brown skin Indigenous man and you may have had a beer at a barbeque, but you're not an alcoholic, and you go to emerg, there's a chance that you will be assigned the stereotype of being a drunken Indian. And, the chest pain you're experiencing has nothing to do with your heart, but with alcoholic gastritis. And so, the differential access for particular treatments as well as investigations are harnessed on stereotyping.²²

Recommendations

151. **The AMC makes the following recommendations relating to health and education:**

- That all levels of government implement Articles 14, 23 and 24 of UNDRIP and fund initiatives to implement the goals, objectives and this right – protecting the right of Indigenous people to develop priorities and strategies, establish and control education and health systems based on their teachings.

EDUCATION, AWARENESS & HONOURING LOVED ONES

Recommendation

152. That all levels of government implement Articles 11-13 and 15 of UNDRIP and fund initiatives to implement the goals, objectives and this right – protecting the right of Indigenous people to develop their own institutions.

MEDIA

Recommendations

153. That all levels of government implement Article 16 of UNDRIP and fund initiatives to implement the goals, objectives and this right – protecting the right of Indigenous people to establish their own media in their own languages and requiring states to support them.

BEYOND A FLAWED PROCESS

OVERVIEW

154. At the heart of this crisis stand the families of MMIWG and survivors of violence. For many years, families felt a sense of abandonment and frustration because their calls for urgent action to address this ongoing national tragedy was going in one ear and out the other.

155. The National Inquiry into MMIWG was launched by the Government of Canada in December 2015. When the Commissioners began their work, they were **not** starting with a “clean slate”. Countless reports had already been written about the breadth and depth of the “issue” of MMIWG.

156. Families, survivors, First Nations leadership, non-governmental organizations, community members as well as political organizations had raised awareness and advocated for meaningful change for decades.¹

157. In many respects, the National Inquiry into MMIWG was a missed opportunity as it relied upon overly formalistic Western rules. While the process was flawed, the Inquiry did provide an opportunity for many families and survivors to share their truths. Those truths must be honoured. To honour those truths, we must move beyond the flawed process and ensure the recommendations

that flow from the MMIWG NI are substantive and implemented. We owe it to the MMIWG, their families and survivors.

FAMILIES FIRST

158.To address MMIWG – AMC made a conscious choice to build on what we have heard throughout the years and be directed by families of MMIWG and survivors.

159.In September 2014, AMC initiated the Families First Approach with the assistance of the Southern Chiefs Organization (“SCO”) and the Manitoba Keewatinowi Okimakanak (“MKO”).

160.The purpose of this work was to build on what was known and propose a meaningful regional process to address MMIWG. Families First consisted of two phases.

<u>Families First: Phase One</u>	<u>Families First: Phase Two</u>
<ul style="list-style-type: none"> • Preliminary engagement with six families of MMIWG and the MMIWG Coalition of Manitoba to identify next steps for action to address MMIWG from a regional perspective. • Concurrently with and in support of the engagement, the Public Interest Law Centre (“PILC”) and a team of <i>pro bono</i> lawyers prepared a number of research tools including: background on existing legal processes, an overview of lessons learned from past legal processes, a summary of the state of affairs of existing relevant initiatives, potential legal tools for persuading governments to act, a compilation of recommendations relating to MMIWG from 43 past processes, preliminary considerations relating to Indigenous laws. • Draft Report released in December 2014 • AMC Chiefs in Assembly endorsement in November 2014 • Assembly of First Nations (“AFN”) unanimous endorsement in December 2014 	<ul style="list-style-type: none"> • Engagement was conducted with an additional 18 families of MMIWG, community members, elders and knowledge keepers, youth and the MMIWG Coalition of Manitoba. • Research into and Report concluded on the 'Cost of Doing Nothing'² by Dr John Loxley and Ms Marina Puzyreva from the Manitoba Research Alliance in collaboration with AMC and PILC • Creation of the Families First Foundation which provides financial supports to families of MMIWG in May 2015 • Inaugural fundraiser of Families First Foundation in July 2015 • Presentation and unanimous approval of Families First Report and approach at the AMC General Assembly in July 2015

161.According to the Families First engagement and research, the following was required for an effective process addressing MMIWG:

- early and ongoing meaningful engagement of all affected individuals and knowledge holders at every stage;
- silos of information must be brought together and gaps of knowledge must be filled;

- clear Terms of References which are regional and national in scope; have a broad enough scope to include systemic issues; are flexible enough to ensure the rules of evidence (i) prevent the exclusion or alienation of families and communities of MMIWG; (ii) allow for proper spiritual and religious protocols to be followed and (iii) include space for Indigenous legal orders; clear about the issues it is aiming to address and set out clear expectations for all involved; and clear about interpreting the Inquiries Act broadly to ensure a variety of methods for gathering evidence can be used;
- strong courageous leaders who are not afraid of advocating for the implementation of their recommendations;
- adequate and secure funding for the process and implementation of recommendations; and
- a clear implementation process.³
- Families First recommended that there be four areas of work included in any process addressing MMIWG: **Honouring Loved Ones⁴; Family Answers Process⁵; Immediate Actions⁶; and Public Policy Research on Systemic and Long Term Issues.⁷**

162. According to Families First, everyone involved in the process must be surrounded by ceremonies and all types of supports and the process must play a role in building education and awareness about MMIWG for the broader public.⁸

163. Importantly, Families First specifically recommended that the process to address MMIWG be focused regionally with regional commissioners who would share information with national commissioners. This model followed the example of the Royal Commission on Australian Deaths in Custody.⁹

164. In February 2016, as part of the pre-inquiry process, the AMC provided a detailed submission including our lessons learned from Families First to the responsible federal Ministers as well as the MMIWG Pre-Inquiry Secretariat.¹⁰

GOOD INTENTIONS ALONE CANNOT CURE A FLAWED PROCESS

165. The National Inquiry into MMIWG could have built upon the existing efforts and information available, including from Families First. Despite its stated desire to be a “unique” “families first” and “trauma-informed” process – in many ways, it repeated the failures of other processes by

relying on Western laws to deny procedural fairness.

166. Families, survivors, First Nations leaders and organizations sounded the alarm bells throughout the process. The Inquiry was filled with people with good intentions and good hearts – including the families, survivors, the parties with standing, inquiry staff and Inquiry Commissioners.

167. However, the good intentions of all of those involved could not cure what was ultimately a deeply flawed and problematic process:

- Families continued to be traumatized as they publicly shared their truths which for many, meant the re-opening of deep wounds. In many cases, the process was re-traumatizing for families and survivors. The actions and inactions of the Federal Government and the National Inquiry resulted in increasing barriers for families, survivors and intervenors to participate in the Inquiry;
- Families and survivors were not informed about important timeliness or meaningfully included in the hearing process;
- The Terms of Reference directed Commissioners to create an Inquiry process which is ‘trauma-informed’.¹¹ However, aftercare for families and survivors was either not provided or delayed because of funding delays from the Privy Council Office.¹² Families and survivors who chose not to testify in the Inquiry were, in many cases, unable to access after-care as participation in the Inquiry was made a prerequisite for accessing supports and services;¹³
- For much of the Inquiry process, there was no regional representation for Manitoba or any of the prairie provinces in terms of the composition of Commissioners. Given Manitoba is “ground zero” for MMIWG, this was a significant deficiency in the process;¹⁴
- The first expert MMIWG NI hearing was on Indigenous laws and Decolonizing Perspectives. Once that hearing was done, Indigenous law were barely mentioned again.¹⁵ Instead, parties with intervenor status were met with narrow interpretations of the Terms of Reference and the Legal Path Rules of Respectful Practice, Practice Rules and inaccessible hearings;¹⁶
- While the Interim Report was meant to provide immediate actionable recommendations, the Federal Government effectively ignored the Interim Report almost in its entirety;¹⁷
- Experts and other witnesses involved in the National Inquiry Parts II and III, were cross-examined in a Western-style process which saw arbitrarily imposed timelines and party positioning take priority over charting a way forward for families in crisis; and
- Counsel and organization representatives were regularly given documents at the last minute and

expected to make sense of dense information with little to no time to meaningfully engage with materials.

168. AMC experienced significant administrative and procedural barriers throughout the process.

Despite being an approved party with intervenor status in parts II and III and receiving confirmation of a funding amount - the AMC was forced to dedicate limited resources to bring a motion to obtain a Contribution Agreement.¹⁸

169. It was also concerning that key information was either scoped out or excluded from the Inquiry:

- In May 2018, AMC brought a motion to include the issue of child welfare as part of the institutional hearings. As we later heard in the October 2018 hearings, there is a direct relationship between the involvement of young girls and women in the child welfare system and MMIWG;¹⁹
- Despite the direct link between the issue of gangs, human trafficking, sexual exploitation and MMIWG – the topic of gangs was not discussed during the expert and institutional hearings; and
- The voices of incarcerated First Nations women and girls were also not included as part of the public process. The reality facing persons who are incarcerated is that unless the Commissioners attend institutions or set up specific ways to communicate with those who are incarcerated, they do not have a way to participate. The usual means of communication with the public do not reach behind prison walls. Given the disproportionate levels of First Nations women and girls who are incarcerated and the direct link with MMIWG, this is another significant flaw.

170. Despite this flawed process, AMC was involved in Parts II and III throughout the entire National Inquiry process. The magnitude of the crisis and the reality that this was likely going to be the only opportunity for many families and survivors to be heard required us to continue being involved.

171. While recognizing that funding for the Inquiry was limited, AMC is concerned that the significant gaps in knowledge will ultimately impact the Inquiry's ability to make recommendations. Families, survivors, and parties with standing were asked to support an extension of a process which was neither transparent or truly accountable to families, survivors and First Nations people. For example, AMC continues to wonder how the original \$53.8 million and additional \$21.3 million

budget was spent. AMC offers this comment particularly in light of the Inquiry's intervention at the Supreme Court of Canada in *Barton v Her Majesty the Queen* in October 2018.

172. What AMC heard in Families First was clear – First Nations families and survivors in Manitoba wanted to address MMIWG based on First Nations ways of being, knowing and doing.²⁰ A National Inquiry process relating to MMIWG that was rooted in First Nations ways of being and knowing would have been regional, recognizing the importance of avoiding pan-Indigenous approaches. The process would have been rooted in the importance of truth telling and relationships. It would have been respectful of the protocols and laws of the five language nations in Manitoba – Ojibway, Cree, Dene, Dakota, and Oji-Cree.

173. First Nations women and girls deserved a process that was transparent, accountable to them, and reflective of their identities and culture.

CONCLUSION

“Reconciliation means restoring and regaining what they took away from us.”¹

174. First Nations women and girls are lost and falling through the cracks – they are physically, emotionally, and spiritually lost. Reinforcing the same system that has caused them to lose their way is no solution.

175. As Commissioners, you have been given the responsibilities which do not end with the Terms of Reference. For the legacy of the Inquiry to be a positive one, Commissioners cannot let their recommendations gather dust on a government shelves.

176. Only time will tell this Inquiry's legacy. It is AMC's hope that the stories and truths shared throughout this process will lead to nothing less than dismantling the colonial systems that continue to harm and perpetuate violence against First Nations women and girls.

177. Regardless of what happens during the Inquiry, First Nations cannot sit by as children, women and girls are stolen and murdered. We will reclaim our traditional jurisdictions and continue to lead the way in protecting and honouring First Nations women and girls. We owe it to the families and survivors. It is incumbent upon us to do better.

- 1 Transcript evidence Cora Morgan, Winnipeg, “Child and Family Welfare” Hearings, Panel 1, Public Transcript Part II, Volume X, Exhibit Code: P02-03P03P0101 at p. 76 lines 6-14.
- 2 As Isabella Daniels stated at the start of the Child and Family Welfare hearings in Winnipeg, “We have had enough research. We now need people to put these recommendations into action” Transcript Evidence Isabella Daniels, Winnipeg Panel 1, Public Transcript Part II & III Volume X at p. 11 lines 1-3. On the opening day of the Child and Family Welfare hearings, news travelled of Mary (“Tom”) Yellowback, whose body was found at a Winnipeg recycling depot on a recycling that day. Mary (“Tom”) Yellowback had travelled to Winnipeg from her home community for their child's medical appointment.
- 3 The most current data comes from a 2014 report by the Royal Canadian Mounted Police, updated in 2015. There were a reported 204 unsolved Aboriginal female homicides and “suspicious” missing persons cases. As of April 2015, there were a reported 174 missing Aboriginal Female cases. Over the past 30 years, there have been a reported 1,017 Aboriginal female homicide victims, including 225 unsolved cases. See: Royal Canadian Mounted Police, “Missing and Murdered Aboriginal Women: A National Operational Overview” (2014) online: <<http://www.rcmp-grc.gc.ca/en/missing-and-murdered-aboriginal-women-national-operational-overview#sec3>>; Royal Canadian Mounted Police “Missing and Murdered Aboriginal Women: 2015 Update to the National Operational Overview” (2015) online: <<http://www.rcmp-grc.gc.ca/en/missing-and-murdered-aboriginal-women-2015-update-national-operational-overview>>
- 4 Joe Hyslop, Harry Bone, & Treaty & Dakota Elders of Manitoba with contributions by the AMC Council of Elders, *Dtantu Balai Betl Nehidei Our Relations to the Newcomers: Traty Elders' Teaching Volumes 3* (Winnipeg: Treaty Relations Commission of Manitoba, 2015) at p.40
- 5 Teachings of Dennis White Bird.
- 6 Weechi it tw win Family Services and The Fort Frances Governance Team, “Traditional Childcare Practices Raising our children the Anishinaabe Way” (2000) at p. 3.
- 7 Joe Hyslop, Harry Bone, & Treaty & Dakota Elders of Manitoba with contributions by the AMC Council of Elders, *Dtantu Balai Betl Nehidei Our Relations to the Newcomers: Traty Elders' Teaching Volumes 3* (Winnipeg: Treaty Relations Commission of Manitoba, 2015) at p.16
- 8 Joe Hyslop, Harry Bone, & Treaty & Dakota Elders of Manitoba with contributions by the AMC Council of Elders, *Dtantu Balai Betl Nehidei Our Relations to the Newcomers: Traty Elders' Teaching Volumes 3* (Winnipeg: Treaty Relations Commission of Manitoba, 2015) at p. 45
- 9 As stated by Elder Belinda Vandebroek: “We didn't want to be on reserves. We didn't want welfare. Those were systems that were put upon us that we didn't want in the first place. And now we suffer the consequences of all of that. Because who wants to be relegated to a reserve. Nobody. So now we have to live with that the best we know how.” See: Transcript Evidence Elder Belinda Vandebroek, Winnipeg “Indigenous Laws & Decolonizing Perspectives” Hearing Public Transcript Part III, Volume I, at p. 19 lines 11-16.
- 10 Prime Minister Sir John A. Macdonald, Official report of the debates of the House of Commons of the Dominion of Canada, 9 May 1883, 1107–1108. Robert L. McDougall, “Duncan Campbell Scott” The Canadian Encyclopedia (18 January 2018) online: <https://www.thecanadianencyclopedia.ca/en/article/duncan-campbell-scott> <<http://www.thecanadianencyclopedia.ca/en/article/duncan-campbell-scott>>. See also: First Nations Child and Family Caring Society, “The Legacy of Duncan Campbell Scott: More than just a Canadian Poet” (July 2016) at 3 online: https://fncaringsociety.com/sites/default/files/duncan_campbell_scott_information_sheet_final.pdf <https://fncaringsociety.com/sites/default/files/duncan_campbell_scott_information_sheet_final.pdf>
- 11 Assembly of Manitoba Chiefs, *Bringing Our Children Home Act* (draft), Annex A at p. 15.
- 12 As stated by Ms Bernie Williams Poitras, “I also have no problem saying that these organizations

have really benefited and that they've built their empires off the backs of our people, the ones that are suffering.” Transcript Evidence Bernie Williams Poitras, Winnipeg “Indigenous Laws and Decolonizing Perspectives” Public Transcript Part III, Volume III at p. 71, lines 5-8.

¹³ Transcript Evidence of Dawnis Kennedy, Winnipeg, “Indigenous Laws & Decolonizing Perspectives,” Public Transcript Part III, Volume II at p. 188 lines 19-25 – p. 189 lines 1-5.

¹⁴ *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, 61st Sess, Supp No 49, UN Doc A/RES/61/295 (13 September 2007).

¹⁵ The AMC was formed in 1988 by Chiefs in Manitoba. As the representative organization for 62 of 63 First Nations in Manitoba, the AMC mandate is to advocate on issues that commonly affect First Nations in Manitoba. AMC represents the diversity of Anishinaabeg, Anshiniwak, Nehethowuk/Ininewak, Dakota Oyate and Denesuline nations. The AMC represents several offices such as Eagle's Nest, EAGLE Urban Transition Centre, First Nations Family Advocate Office – working in policy sectors such as Health, Education, Child Welfare, Jordan’s Principle.

¹⁶ Cora Morgan, Conversation with Joëlle Pastora Sala (Legal Counsel) 13 December 2018.

¹ Protocol was followed in order to share First Nations teachings which form the basis of the AMC closing submissions. AMC and PILC would like to acknowledge Elders Florence Paynter and Dennis White Bird as well as Cora Morgan for their teachings, generosity and guidance.

² Teaching of Elder Florence Paynter

³ Elder Florence Paynter, Conversation with Joëlle Pastora Sala (legal counsel) 6 December 2018.

⁴ Teachings of Elder Henry Skywater.

⁵ Teaching received by Cora Morgan from Elder William Osbourne.

⁶ Assembly of Manitoba Chiefs, *Bringing Our Children Home Act* (draft) at p. 6.

⁷ Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 17

⁸ Teaching received by Cora Morgan from the late Lina Hart. As stated by Dr Janet Smylie, midwives were seen as “role models and the glue that held communities together” and they “meant security for children.” Transcript Evidence Dr Janet Smylie, Iqaluit, Panel II “Indigenous Peoples' Perspectives” Public Transcript Part II & III Volume II, Exhibit Code: P02-03P01P0201 at p. 159 lines 15-18.

⁹ According to Dawnis Kennedy, “All peoples were given gifts to live into the world, and that those are gifts from spirit and they are necessary in the world and they are good relationships with each other.” Transcript Evidence of Dawnis Kennedy, Winnipeg, “Indigenous Laws & Decolonizing Perspectives,” Public Transcript Part III, Volume II at p. 191 lines 1-24.

¹⁰ Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 17.

¹¹ Weechi it tw win Family Services and The Fort Frances Governance Team, “Traditional Childcare Practices Raising our children the Anishinaabe Way” (2000) at p. 5.

¹² Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 17.

¹³ Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 17.

¹⁴ Assembly of Manitoba Chiefs, *Bringing Our Children Home Act* (draft), Annex A at p.20.

¹⁵ Elder Dennis White Bird, conversation with Joëlle Pastora Sala (legal counsel) 13 December 2018

¹⁶ Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 5.

¹⁷ Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 122

¹⁸ Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 5.

¹⁹ Elder Dennis White Bird, conversation with Joëlle Pastora Sala (legal counsel) 13 December 2018

²⁰ Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and*

- Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 2.
- 21 Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 17.
- 22 Doris Pratt, Harry Bone et al., *Untuwe Pi Kin He: Who We Are Treaty Elders' Teachings Volume 1* (Winnipeg: Doris Pratt, Harry Bone and the Treaty & Dakota Elders of Manitoba) at p. 88
- 23 Cora Morgan, conversation with Joëlle Pastora Sala (legal counsel) 9 December 2018.
- 24 Dr Barry Lavallee, there is evidence that in some First Nations communities, before the mother delivers her baby that baby is already “prepped to develop chronic kidney disease. Ad so at the point of conception, a child conceived, one or two cells, we believe that they already have kidney disease. And that's because the child is conceived in an environment of poverty, impoverishment as well as racism that the mother and father experience.” Transcript Evidence Dr Barry Lavallee, Toronto, Panel II “Intersections between Racism and S2LGBTQ Issues” Public Transcript Part III Volume IX Exhibit Code: P03P03P0201 at p. 49 lines 21-25 – p. 50 lines 1-6.
- 25 Caroline Chartrand, “Anti Racism Workshop Report” (Nanaandawewigamig – First Nations Health and Social Secretariat of Manitoba Inc Anti Racism Workshop 29-30 November 2017) at p. 5.
- 26 Transcript Evidence Dr Barry Lavallee, Toronto, Panel II “Intersections between Racism and S2LGBTQ Issues” Public Transcript Part III Volume IX Exhibit Code: P03P03P020 at p. 38 line 22.
- 27 According to Dr Amy Bombay, “You know, they were affected by these abusers coming back into their community, by the lack of continued promotion of traditional teachings and approaches that would, you know, teach people not to do this. And, there was also this, you know, altered social norms around whether it's okay to talk about this. I think one of the norms was that silence is the thing that you can do. And so, that really encourages people not to talk about this, and for that to be – and for abuse just to be thought of as something that's normal.” Transcript Evidence Dr. Amy Bombay, Winnipeg, “Child and Family Welfare” Hearing, Panel 1, Public Transcript Part II & III Volume X, Exhibit Code: P02-03P03P0101 at p. 177 lines 8-17.
- 28 Teaching by Elder Florence Paynter and Philip Paynter.
- 29 As stated by Ms Sarah Clark during her testimony, “these various sources of trauma that originated from outside Indigenous communities that I just discussed generated a wide range of dysfunctional and hurtful behaviours, such as physical and sexual abuse, which is recycled generation after generation within the community. As a result, we see negative behaviour, such as alcohol abuse, sexual, physical and emotional abuse, child neglect and violent crime. The link between the effects of past events like these and adverse outcomes in the present have been well-documented.” Transcript Evidence Sarah Clark, Winnipeg Panel 1, Public Transcript Part II & III Volume X, Exhibit Code: P02-03P03P0101 at p. 106 lines 15-24.
- 30 As stated by Cora Morgan, “And you know, the worker came in with their agency car seat, and they took the baby. And, I had found out later that they had issued that birth alert when the mom was three months' pregnant, and they held onto it for her entire pregnancy. And then when the agency got a call from the hospital, they responded. And so, there was over six months of time that they could have went to that home and got to know that mom, and taken-- you know, given her the opportunity.” Transcript Evidence Cora Morgan, Winnipeg “Child and Family Welfare” Hearing, Panel 1, Public Transcript Part II & III Volume XI, Exhibit Code: n/a at p. 26 lines 8-16.
- 31 *Dakota Ojibway Child and Family Services v KRF et al.*, 2018 MBCA 104 at para 57.
- 32 Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 18.
- 33 Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 18.
- 34 Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 18

- ³⁵ Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 18.
- ³⁶ Transcript evidence Cora Morgan, Winnipeg, Panel 1, Public Transcript Part 11 Volume X, Exhibit Code: P02-03P03P0101, at p. 65 lines 13-22.
- ³⁷ “The Design and Delivery of Culturally Responsive, Trauma Informed Services for Families of Missing and Murdered Indigenous Women and Girls Proposal,” Assembly of Manitoba Chiefs Women's Council, August 2017 at p. 10. See also: Elder D'Arcy Linklater explaining, “... You have to understand also what we have been through as First Nations people in this country with respect to extinguishment, we nearly lost our ways, our language. But the Creator gave us blood history [...] we never close anything because of blood history and it is always there,” in Parts II & III Institutional & Expert/Knowledge-Keeper Hearings, Child and Family Welfare, Exhibit 3 “Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls,” prepared for the Assembly of Manitoba Chiefs by Joëlle Pastora Sala & Byron Williams at p. 59.
- ³⁸ “These coping strategies manifested outwardly as behaviours that were challenging for service providers to manage. Angel was labelled as disruptive and disrespectful and workers noted that she through “tantrums” when disappointed or upset” Manitoba Advocate for Children and Youth, “In Need of Protection: Angel's Story” (December 2018) at p. 9 online: <http://manitobaadvocate.ca/wp-content/uploads/In-Need-Of-Protection-Angels-Story-Dec-2018.pdf>
- ³⁹ As Cora Morgan has observed, “and, now, you're hearing of, like, younger children that are five, six, seven years old, and they're medicated. And, what happens is as they get old enough, then there's addiction issues. Transcript evidence Cora Morgan, Winnipeg, Panel 1, Public Transcript Part 11 Volume X, Exhibit Code: P02-03P03P0101 at p. 66 lines 23-25 – p. 67 1-3. lines 8-11. Carly Teillet (legal counsel) also stated that “One of the elders shared that, at one time, she was a foster parent for sisters in the community and she wasn't successful in trying to keep the children together, and that one of the children was taken away, and that child became depressed, was then labelled and medicated. Another elder shared a story about a family member's child being taken in to care, and then subsequently labelled for having behavioural issues and medicated” Transcript Evidence Carly Teillet, Winnipeg, Panel IV: “A Voice for Children and Youth,” Parts II & III Volume XIII Exhibit Code P02-03P03P0401 at p. 258 lines 2-11.
- ⁴⁰ As Cora Morgan stated, “And so, what happens is [children] react in their behaviour. And, in our system, they level you up. And, the more levels you have or the more suffering that you're ensuring the more money you're worth per day. And, when you get to a certain level and you max out at the op level, how you become worth more money is by the amount of medication that you're on” Transcript evidence Cora Morgan, Winnipeg, Panel 1, Public Transcript Part 11 Volume X, Exhibit Code: P02-03P03P0101 at p. 65 lines 16-22. Ultimately, little is known publicly about CFS funding attributions and CFS agencies have significant discretion based on “internal processes” for special rates and non-standardized risk assessments. See: Government of Manitoba, Child Protection Branch, “Child and Family Services Standard Manual” vol 1, ch 1 at 3 online: https://gov.mb.ca/fs/cfsmanual/pubs/pdf/1.1.2_enp.pdf
- ⁴¹ Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 113.
- ⁴² Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 18.
- ⁴³ Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 124-125.
- ⁴⁴ Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 114.
- ⁴⁵ Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 114.
- ⁴⁶ Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 113.
- ⁴⁷ Basil Johnston, Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 122-

- 48 Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 122-124.
- 49 Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 18.
- 50 Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 18
- 51 According to Dr Amy Bombay, there is data from the First Nations Regional Health Survey which looks at the link between having a parent who attended residential school and suicidal ideation and attempts. Transcript evidence Dr. Amy Bombay, Winnipeg Panel 1, Public Transcript Part II & III Volume X, Exhibit Code: P02-03P03P0101, at p. 131 lines 16- 20.
- 52 According to Dr Amy Bombay, “those who had more generations in their family who attended residential school were more likely to report psychological distress.” Transcript evidence Dr. Amy Bombay, Winnipeg “Child and Family Welfare” Hearings, Panel 1, Public Transcript Part II & III Volume X, Exhibit Code: P02-03P03P0101, at p. 168 lines 12-14.
- 53 Government of Manitoba, “Review of Child Welfare Legislation in Manitoba: Discussion Guide” (Winnipeg: December 2017) at 4, online
<https://www.gov.mb.ca/fs/child_welfare_reform/pubs/discussion_guide.pdf>
- 54 Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 19.
- 55 Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 19.
- 56 Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 19.
- 57 Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 19.
- 58 Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 19.
- 59 Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 19.
- 60 Assembly of Manitoba Chiefs, *Bringing Our Children Home Act* (draft), Annex A at p. 19.
- 61 Assembly of Manitoba Chiefs, *Bringing Our Children Home Act* (draft), Annex A at p. 20.
- 62 Manitoba First Nations Education Resource Centre Inc., revised ed. *First Nations Teachings and Practices* (Winnipeg: Manitoba First Nations Education Resource Centre, 2014) at p. 19.
- 63 Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 115.
- 64 Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 115-117.
- 65 Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 117.
- 66 Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 117
- 67 Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 133
- 68 Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 118.
- 69 Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at p. 118.
- 70 Assembly of Manitoba Chiefs, *Bringing Our Children Home Act* (draft), Annex A at p. 20.
- 71 The Spirit of Life song by the late Elder Henry Skywater.
- 72 Transcript Evidence Ellen Gabriel, Quebec City, Panel V “Indigenous Rights & Grassroots Activism” Public Transcript Parts II & III Volume IX, Exhibit Code: P02-03P02P0501 p. 74 at lines 3-8
- 73 Manitoba Advocate for Children and Youth, “In Need of Protection: Angel's Story” (December 2018) at p. 9 online: <<http://manitobaadvocate.ca/wp-content/uploads/In-Need-Of-Protection-Angels-Story-Dec-2018.pdf>>
- 1 Transcript Evidence Cora Morgan, Winnipeg “Child and Family Welfare” Hearing, Panel 1, Public

- Transcript Part II & III Volume XI, Exhibit Code: n/a at p. 75 lines 23-25 – p. 76 lines 1-5.
- 2 Transcript Evidence Dr. Dalee Sambo Dorough, Quebec City, Panel II “International Human Rights Law as a Foundation for the Inquiry's Work and Recommendations,” Public Transcript Part III, Volume VII Exhibit Code: P02-03P02P0301 at p. 31 lines 7-13
- 3 Government of Canada, News Release, “Statement by the Prime Minister of Canada on National Aboriginal Day” (21 June 2017) online: <<https://pm.gc.ca/eng/news/2017/06/21/statement-prime-minister-canada-national-aboriginal-day>>
- 4 As stated by Ms Brenda Gunn, “So we're trying to shift the relationship from a colonial one where the government has complete control over Indigenous Peoples in so many aspects to a new form of – to a new relationship where Indigenous Peoples area determining their own future and resetting their relationship with Canada in determining that.” Transcript Evidence Brenda Gunn, Quebec City, Panel II: “International Human Rights Law as a Foundation for the Inquiry's Work and Recommendations,” Public Transcript Part III, Volume VI Exhibit Code: P03P02P0301 at p. 56 lines 3-8.
- 5 Transcript Evidence Ellen Gabriel, Quebec City, Panel V “Indigenous Rights & Grassroots Activism” Public Transcript Parts II & III Volume IX, Exhibit Code: P02-03P02P050 at p. 11 lines 20 -25 – p. 12 line 1.
- 6 Teachings of Elder Wally Swain, 25 July 2015.
- 7 See in particular *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, 61st Sess, Supp No 49, UN Doc A/RES/61/295 (13 September 2007) articles 4, 5, 8.
- 8 CITE from SCC decision that says this.... Maybe MMF decision? *Manitoba Metis Federation Inc. v. Canada (Attorney General)*, 2013 SCC 14 at para 73.
- 9 This is required under article 37 of *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, 61st Sess, Supp No 49, UN Doc A/RES/61/295 (13 September 2007).
- 10 As stated by Ms Fay Blaney, “I am concerned about what I came here to say, which is that it has a gendered lens. I think in terms of implementation that's gonna be a huge task in the Indigenous community. And I'm quite afraid that it's gonna be like the Royal Commission report and other, like, the Manitoba Aboriginal Justice Inquiry report. I hope it won't be left, be ignored.” Transcript Evidence Fay Blaney, Quebec City, Panel I: “Recognizing & Fulfilling National & Domestic Human Rights” Public Transcript Part III, Volume V, Exhibit Code: P03P02P0201 at p. 172 lines 17-23.
- 11 According to Ms Brenda Gunn, it could be argued that under international law, Canada has failed in its duty of diligence to “prevent, investigate, prosecute, punish and compensate” for crimes related to MMIWG. Transcript Evidence Brenda Gunn, Quebec City, Panel II: “International Human Rights Law as a Foundation for the Inquiry's Work and Recommendations,” Public Transcript Part III, Volume VI Exhibit Code: P03P02P0301 at p. 19 lines 15-16.
- 12 Interaction between Commissioner Qajaq Robinson and Cora Morgan, Transcript Evidence Cora Morgan, Winnipeg Panel 1, Public Transcript Part II & III Volume XI, Exhibit Code: n/a at p 224 lines 18-25 – p. 227 lines 1-2.
- 13 Cite a media article that makes this point and maybe an NWAC Report card also? Native Women's Association of Canada, “NWAC-MMIWG Report Card May 2017 – March 2018” at 3 online: <<https://www.nwac.ca/wp-content/uploads/2018/05/NWAC-MMIWG-Report-Card-3-May17-Mar18.pdf>>
- 14 Unless otherwise specified, “all levels of government” refers to the federal, provincial and municipal governments.
- 15 Teachings of Elder Elmer Courchene
- 16 AMC Resolutions Sept. 2/92-09, Sept. 23/92-13, April-94.06, Sept-94.01, Sept-94.27, Sept-98.06, April 99-03, Aug-07.02, May-08.15, June-14.02, Apr-17.06, Nov-17.02, ECC Dec.17-05, Mar-18.03, Oct-18.08, Oct-18.09, Oct-18.10, Oct-18.11, Oct-18.12.

- ¹⁷ *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, 61st Sess, Supp No 49, UN Doc A/RES/61/295 (13 September 2007). at art. 7.2, 22(2).
- ¹⁸ A similar recommendation was made in Report of the Royal Commission on Aboriginal Peoples vol. 3: Gathering Strength (1996) recommendation 3.2.11 cited in Parts II & III Institutional & Expert/Knowledge-Keeper Hearings, Child and Family Welfare, Exhibit 3(d) “Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls,” prepared for the Assembly of Manitoba Chiefs by Joëlle Pastora Sala & Byron Williams, “Appendix D: Overview of Other Process Recommendations” at pp. 33-34.
- ¹⁹ Transcript Evidence Lanna Moon Perrin, St. John's Panel III “Sexual Exploitation, Human Trafficking & Sexual Assault,” Public Transcript Parts II & III, Volume XVII, Exhibit Code: P02-03P04P0301 at p. 84 lines 7-12.
- ²⁰ Ellen Gabriel, September 21 2018 at pp 91-2 Transcript Evidence Ellen Gabriel, Quebec City, Panel V “Indigenous Rights & Grassroots Activism” Public Transcript Parts II & III Volume IX, Exhibit Code: P02-03P02P0501 p. 91 lines 17-22.
- ²¹ A similar recommendation was made in Truth and Reconciliation Committee of Canada, “Honouring the Truth, Reconciling for the Future” (2015) at p. 260 cited in Parts II & III Institutional & Expert/Knowledge-Keeper Hearings, Child and Family Welfare, Exhibit 3(d) “Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls,” prepared for the Assembly of Manitoba Chiefs by Joëlle Pastora Sala & Byron Williams, “Appendix D: Overview of Other Process Recommendations” at p. 21.
- ²² Transcript Evidence Dr Barry Lavallee, Toronto, Panel II “Intersections between Racism and S2LGBTQ Issues” Public Transcript Part III Volume IX Exhibit Code: P03P03P020 at p. 38 line 25 – p. 39 lines 1-8.
- ¹ See Parts II & III Institutional & Expert/Knowledge-Keeper Hearings, Child and Family Welfare, Exhibit 3 “Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls,” prepared for the Assembly of Manitoba Chiefs by Joëlle Pastora Sala & Byron Williams at pp. 17-22 for a summary of and additional information on past activities relating to MMIWG.
- ² This report examines the cost to society of losing so many young Indigenous women and girls who otherwise would have led their lives as professionals, mothers and home makers. It also considers the costs incurred by non-governmental and governmental agencies reacting to the tragedy of MMIWG.
- ³ Parts II & III Institutional & Expert/Knowledge-Keeper Hearings, Child and Family Welfare, Exhibit 3 “Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls,” prepared for the Assembly of Manitoba Chiefs by Joëlle Pastora Sala & Byron Williams at p. 6.
- ⁴ To provide an opportunity for families and survivors to honour their stories in multiple ways, empowering them to tell their own stories and supporting them to maintain ownership in their process of choice. Parts II & III Institutional & Expert/Knowledge-Keeper Hearings, Child and Family Welfare, Exhibit 3 “Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls,” prepared for the Assembly of Manitoba Chiefs by Joëlle Pastora Sala & Byron Williams at p. 7.
- ⁵ To provide an opportunity for families and survivors to have their individual questions answered directly from those involved in their case through a variety of methods. Parts II & III Institutional & Expert/Knowledge-Keeper Hearings, Child and Family Welfare, Exhibit 3 “Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls,” prepared for the Assembly of Manitoba Chiefs by Joëlle Pastora Sala & Byron Williams at p. 7
- ⁶ Based on what is already known, to identify and act immediately upon recommendations. The

leaders/ commissioners were to liaise with appropriate agencies and get commitment for action, follow up, report on progress and seek feedback from families on progress while pushing for action. Parts II & III Institutional & Expert/Knowledge-Keeper Hearings, Child and Family Welfare, Exhibit 3 “Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls,” prepared for the Assembly of Manitoba Chiefs by Joëlle Pastora Sala & Byron Williams at p. 7.

- 7 Coordinate research and make information public on systemic long term issues which are at the root of MMIWG. Parts II & III Institutional & Expert/Knowledge-Keeper Hearings, Child and Family Welfare, Exhibit 3 “Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls,” prepared for the Assembly of Manitoba Chiefs by Joëlle Pastora Sala & Byron Williams at p. 8.
- 8 Parts II & III Institutional & Expert/Knowledge-Keeper Hearings, Child and Family Welfare, Exhibit 3 “Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls,” prepared for the Assembly of Manitoba Chiefs by Joëlle Pastora Sala & Byron Williams at p. 41.
- 9 See Parts II & III Institutional & Expert/Knowledge-Keeper Hearings, Child and Family Welfare, Exhibit 3 “Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls,” prepared for the Assembly of Manitoba Chiefs by Joëlle Pastora Sala & Byron Williams at p. 84.
- 10 Letter from Assembly of Manitoba Chiefs to Federal Ministers regarding the MMIWG Pre-Inquiry Process (24 October 2016)
- 11 National Inquiry into Missing and Murdered Indigenous Women and Girls, “Terms of Reference” online: <<http://www.mmiwg-ffada.ca/wp-content/uploads/2018/06/terms-of-reference.pdf>> at e (i).
- 12 “Aftercare Assistance for MMIWG families and survivors stalled in bureaucratic back-and-forth” *CBC News* (8 May 2018) online: <<https://www.cbc.ca/news/canada/manitoba/aftercare-assistance-for-mmiwg-families-and-survivors-stalled-in-bureaucratic-back-and-forth-1.4655073>>; Kathleen Martens, “MMIWG Inquiry Grappling with Healing, Aftercare for Families” *APTN* (3 April 2018) online: <<https://aptnnews.ca/2018/04/03/healing-from-trauma-still-a-problem-for-inquiry/>>
- 13 According to the National Inquiry website, “You are eligible for aftercare support if you are registered with the National Inquiry and have shared your truth in the Truth Gathering Process” National Inquiry into Missing and Murdered Indigenous Women and Girls, “Aftercare Services” online: <<http://www.mmiwg-ffada.ca/aftercare-services/>>
- 14 Jillian Taylor “Manitoba MMIWG Families say they want to see more support before they'll support inquiry extension” *CBC News* (6 March 2018), online: <<https://www.cbc.ca/news/canada/manitoba/manitoba-reacts-mmiwg-inquiry-extension-1.4565069>> (Quoting Sandra DeLaronde, co-chair of the MMIWG Coalition in Manitoba).
- 15 As noted by Ms Dawnis Kennedy, “I know that when Canadian law meets Anishinabe Onaakonigewin things get kind of pixie. I guess what I would say is just know that Anishinabe Onaakonigewin law, Anishinabe Onaakonigewin is still here. I'm following it. You know, I offered sema to these grandmothers. It's still here and it's still operating. So even though Canadian law is here, also Anishinabe Onaakonigewin is here.” Transcript Evidence Dawnis Kennedy, Winnipeg, “Indigenous Laws & Decolonizing Perspectives,” Public Transcript Part III, Volume II at p. 193 lines 7-14
- 16 As stated by Grandmother Katherine Whitecloud: “Change the process. Don't have us come and sit in rows. Don't have us swear that our words are going to be the truth because they are naturally going to be the truth.” August 24 2017 at p 119. According to Elizabeth Daniels, “I was a little discouraged the first two days. I'm not going to lie. My mom didn't understand the terminologies that were being used when we were doing the Indigenous laws. So I-- for recommendation for people who are not lawyers or people that don't understand legal jargon there should be – I think

when people are speaking that they need to remember that we all don't have law degrees and we all don't speak that language and we don't understand that terminology. So, yeah, a lot of it went in one ear and out the other because we don't know what's being said and we don't understand that language.” Transcript Evidence Grandmother Katherine Whitecloud, Winnipeg, “Indigenous Laws & Decolonizing Perspectives,” Public Transcript Part III, Volume III, at p. 119 lines 3-6; Transcript Evidence Elizabeth Daniels, Winnipeg, “Indigenous Laws & Decolonizing Perspectives” Public Transcript Part III, Volume III, at p. 53 lines 14-24

- ¹⁷ According to Chief Commissioner Marion Buller, the inaction of the government “raises a lot of concerns for us” quoted in Dennis Ward, “Trudeau Government Inaction on Interim Report concerns commissioners of MMIWG Inquiry” *APTN* (16 October 2018) online:

<https://aptnnews.ca/2018/10/16/trudeau-government-inaction-on-interim-report-concerns-commissioners-of-mmiwg-inquiry/>

- ¹⁸ “Application for Funding for a Party with Standing in the National Inquiry into Missing and Murdered Women and Girls” Notice of Motion of Assembly of Manitoba Chiefs (20 April 2018)

- ¹⁹ “Application to Compel the Inclusion of Child Welfare/Child Protection/Children in Care into the Government Services Institutional Hearing of the National Inquiry into Missing and Murdered Women and Girls” Notice of Motion of Assembly of Manitoba Chiefs (18 May 2018)

- ²⁰ Parts II & III Institutional & Expert/Knowledge-Keeper Hearings, Child and Family Welfare, Exhibit 3 “Families First: A Manitoba Indigenous Approach to Addressing the Issue of Missing and Murdered Indigenous Women and Girls,” prepared for the Assembly of Manitoba Chiefs by Joëlle Pastora Sala & Byron Williams at p. 6.

- ¹ Teachings of Elder D'Arcy Linklater, July 25 2015.