



MANITOBA

ORDER IN COUNCIL

DATE: **August 24, 2016**

ORDER IN COUNCIL NO.: **323/2016**

RECOMMENDED BY: **Minister of Justice and Attorney General**

ORDER

1. As a step on the path to reconciliation, with a view to supporting families of missing and murdered Indigenous women and girls and survivors of violence, the Honourable Marion R. Buller, Michèle Tania Audette, E. Qajaq Robinson, Marilyn Poitras and Brian Eyolfson, are appointed commissioners to, jointly with the commission of inquiry established by the Government of Canada by P.C. 2016-0736 and those equivalent commissions of inquiry established by all the provinces and territories, for the period beginning September 1, 2016 and ending December 31, 2018:
 - a. make inquiries into and report on systemic causes of all forms of violence – including sexual violence – against Indigenous women and girls in Manitoba, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Manitoba;
 - b. make inquiries into and report on institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Manitoba, including the identification and examination of practices that have been effective in reducing violence and increasing safety;
 - c. make recommendations for concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Manitoba; and
 - d. make recommendations with respect to ways to honour and commemorate the missing and murdered Indigenous women and girls in Manitoba.
2. In making inquiries into, and reporting on, matters within the jurisdiction of Manitoba, the reports, studies, research and examinations reviewed by the commissioners should also include those listed in Schedule A.
3. The commissioners are directed to submit their interim and final reports to the Minister of Justice and Attorney General when these reports are submitted to the Governor General in Council.
4. This Order is effective on the day it is made.

AUTHORITY

The Manitoba Evidence Act, C.C.S.M. c. E150, states:

Appointment of commission

83(1) Where the Lieutenant Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter within the jurisdiction of the Legislature and connected with or affecting

...

(c) the administration of justice within the province;

...

(f) any matter which, in his opinion, is of sufficient public importance to justify an inquiry;

he may, if the inquiry is not otherwise regulated, appoint one or more commissioners to make the inquiry and to report thereon.

The Path to Reconciliation Act, C.C.S.M. c. R30.5, states:

Principles

2 To advance reconciliation, the government must have regard for the following principles:

Respect: Reconciliation is founded on respect for Indigenous nations and Indigenous peoples. Respect is based on awareness and acknowledgement of the history of Indigenous peoples and appreciation of their languages, cultures, practices and legal traditions.

Engagement: Reconciliation is founded on engagement with Indigenous nations and Indigenous peoples.

Understanding: Reconciliation is fostered by striving for a deeper understanding of the historical and current relationships between Indigenous and non-Indigenous peoples and the hopes and aspirations of Indigenous nations and Indigenous peoples.

Action: Reconciliation is furthered by concrete and constructive action that improves the present and future relationships between Indigenous and non-Indigenous peoples.

BACKGROUND

1. The Truth and Reconciliation Commission defines reconciliation as an ongoing process of establishing and maintaining respectful relationships requiring repair of damaged trust and follow through on concrete actions. *The Path to Reconciliation Act* sets out the objectives of reconciliation as building trust, affirming historical agreements, addressing healing and creating a more equitable and inclusive society.
2. By P.C. 2016-0736, the Government of Canada (“Canada”) has issued a commission and directed commissioners to inquire into and to report on the systemic causes of all forms of violence – including sexual violence - against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls and the institutional policies and practices implemented in response to violence experienced by Indigenous women and girls including practices that have been effective in reducing violence and increasing safety.
3. The establishment of an inquiry jointly, among Canada, and the governments that establish an equivalent commission of inquiry (“National Inquiry”), makes it possible to generate a broader portrait of the issues involved and to identify concrete and sustainable actions both within federal and provincial jurisdiction to remove systemic causes of violence and increase the safety of Indigenous women and girls.
4. The National Inquiry will be an opportunity for survivors of violence against Indigenous women and girls and families of missing and murdered women and girls to share their stories, and to be heard, respected and supported in a safe environment - helping families to take steps in the process of healing and grieving.
5. The National Inquiry is to make concrete actionable recommendations building on current initiatives and knowledge.
6. Canada has undertaken to pay all costs incurred with respect to the operation of the National Inquiry including salaries and expenses of commissioners, support and research services, expert fees, travel, costs associated with witnesses, the process of gathering the experiences of family members, the participation of Indigenous organizations and ceremony.
7. Manitoba has committed to support the critical work of the National Inquiry and fully expects its processes and outcomes to be representative of – and meaningful to – the survivors of violence against Indigenous women and girls, the families of missing and murdered Indigenous women and girls, and the larger community.
8. The tragedy of missing and murdered Indigenous women and girls is of vital and ongoing public importance to Manitoba, and a priority underscored by its significant, young and growing Indigenous population. The critical work of the National Inquiry would be facilitated and enhanced through reference to and consideration of Manitoba’s

experiences and the considerable relevant work and analysis that has already been undertaken here to identify and better understand the systemic causes of violence against Indigenous women and girls.

9. By making focussed actionable recommendations, the National Inquiry may build upon the work and analysis undertaken in Manitoba, to better address the collaborative action necessary to bridge the systemic gaps that put Indigenous women and girls at risk.
10. It is expedient to entrust the National Inquiry with the mandate to carry out its work in matters within Manitoba's jurisdiction.

Schedule A

National Inquiry into Missing and Murdered Indigenous Women and Girls

Manitoba Reports, Studies, Research and Examinations

Report of the Aboriginal Justice Inquiry of Manitoba – 1991

The Legacy of Phoenix Sinclair – Achieving the Best for All our Children - 2013

A Compendium of Recommendations for Action on Missing and Murdered Indigenous Women and Girls in Canada - 2016

Coordinating Committee of Senior Officials (CCSO) Missing Women Working Group Report: Issues Related to the High Number of Murdered and Missing Women in Canada - 2010

On the edge between two worlds: Community Narratives on the Vulnerability of Marginalized Indigenous Girls – 2016

The Changing Face of Youth Suicide in Manitoba and the Narrow Window for Intervention, Phase Two – 2015

Safe for Today: Barriers to Long Term Success for Youth in Care with Complex Needs - 2015

Emergency Placements for Children in Manitoba's Child Welfare System (follow up report on the Shelter Review 2004) – 2009

Honouring Their Spirits: The Child Death Review – 2006

Inquest into the deaths of C.J. and C.B. – 2010

Inquest into the death of Tracia Owen - 2008

Inquest into the deaths of Doreen LeClair and Corrine McKeown - 2002

Strengthen the Commitment: An External Review of the Child Welfare System – 2006

Ainimikii Ozoson Child and Family Services Agency – 2012

Audit of the Child and Family Services Division; Pre-Devolution Child in Care Processes and Practices – 2006

Improving Educational Outcomes for Kindergarten to Grade 12 Aboriginal Students - 2016