

Union of BC Municipalities Submission to the Ministry of Justice

Re: National Inquiry into Missing and Murdered Indigenous Women and Girls: UBCM Feedback on Inquiry Design

Executive Summary

The Union of British Columbia Municipalities (UBCM) represents 100% of the local governments in British Columbia, as well as seven post-treaty First Nations members, and has advocated for policy and programs that support its membership's needs since 1905. UBCM has endorsed resolutions indicating support for First Nations land claims solutions, economic development and reconciliation, including a 2013 resolution calling for a 'Year of Reconciliation' with BC First Nations.¹ UBCM's membership has also continuously emphasized its desire to foster and cultivate a positive relationship with First Nations based on mutual trust and respect.² In addition, local governments are dedicated to building and fostering safe communities that are free from violence.

As was requested by the Ministry of Justice, this submission provides input on the design of the federal Inquiry into Missing and Murdered Women and Girls, so that the provincial government can provide feedback to the federal government that is informed by an awareness and understanding of the views of local governments on this issue.

Background Information

The UBCM Executive Board is comprised of 21 elected officials from all regions of the Province, who represent diverse communities of all sizes, from rural areas to urban centres. The Executive forms a number of committees, including the First Nations Relations Committee, which oversees all policy development work related to Aboriginal issues, including treaty negotiations, self-government and taxation. The Committee's other key role is to focus on relationship building between First Nations and local governments through best practices, initiatives and programs.

Local governments are looking to strengthen relationships between Aboriginal and non-Aboriginal people by focusing on mutual trust and respect. Relationship building between local governments and First Nations is vital to communities, and is highly valued by local governments across BC. There are many examples of BC local governments and First Nations collaborating on matters of mutual importance, oftentimes as a result of the Community to Community Forum program that is administered by UBCM and the First Nations Summit.

UBCM recognizes the complex cultural and social backdrop, and serious historic wrongs that Aboriginal people in Canada have endured, and the lasting legacy of these actions. Consequently, UBCM membership has committed to reconciliation as a key organizational priority. This has culminated in partnership work with Reconciliation Canada, with both organizations working together to initiate, foster, and support reconciliation initiatives and activities to benefit British

¹ "UBCM Declares Year of Reconciliation with BC First Nations." Union of British Columbia Municipalities. <http://www.ubcm.ca/EN/meta/news/news-archive/2013-archive/ubcm-declares-year-of-reconciliation-with-bc-first-nations.html> (accessed February 1, 2016).

² "Resolution 2001-B33: First Nations Claims." Union of British Columbia Municipalities. <http://www.ubcm.ca/resolutions/ResolutionDetail.aspx?id=2609&index=0&year=2001&no=&resTitle=first%20nations%20claim&spons=&res=&prov=&fed=&other=&conv=&exec=&comm=&sortCol=year&sortDir=asc> (accessed February 1, 2016).

Columbians. Local governments are also endeavouring to undertake actions related to the Truth and Reconciliation Commission’s “Calls to Action”.

The 2015 UBCM Convention assembly endorsed a resolution calling on the federal government to convene a national inquiry into the widespread violence faced by indigenous women and girls in Canada, and encouraging local governments and Indigenous women’s organizations to work together on a comprehensive response. It is our hope that the National Inquiry will include mechanisms that allow local governments to listen, participate and support solutions to address violence against Indigenous women and girls.

Contents of UBCM’s Submission

UBCM would like to thank the Ministry of Justice for providing an opportunity to provide feedback on the National Inquiry into Missing and Murdered Indigenous Women and Girls that will inform the Province’s submission to the Government of Canada. This submission is reflective of UBCM policy and analysis, as well as Executive member feedback.

UBCM understands and respects that the inquiry is first and foremost an opportunity to hear the voices of survivors, families and loved ones. As such, this submission is written from a place of support, and with a sincere desire to stand with those who deserve justice and healing. Local governments have a responsibility to ensure the safety and wellbeing of community members, and a role to play in pursuing solutions to end the tragedy of murdered and missing Indigenous women and girls in Canada.

As was requested by Ministry staff, this submission will focus on the federal government’s discussion guide, *Designing a National Inquiry on Missing and Murdered Indigenous Women and Girls*³, and the pre-inquiry questions contained therein. These include:

1. *Who should lead the inquiry?*
2. *Who do you think should provide views or have an opportunity to participate in the inquiry?*
3. *What are the key issues that need to be addressed by the inquiry?*
4. *How can the process be set up so it results in providing concrete and practical recommendations for specific actions?*
5. *How can cultural practices and ceremonies be incorporated into the design of the inquiry?*
6. *How is it best to involve the families, loved ones and survivors in the inquiry?*
7. *How should Indigenous groups (National Aboriginal Organizations, front-line workers, band councils, etc.) be included in the inquiry?*
8. *What supports (health supports, counselling, translation, etc.) may be needed during the inquiry for individuals who are participating?*
9. *Is there anything else you would like to add to help design the inquiry?*

Local Government Perspective

1. Who should lead the inquiry?

The UN Expert Mechanism on the Rights of Indigenous Peoples study, *Access to Justice in the Promotion and Protection of the Rights of Indigenous Peoples* states that “Indigenous peoples

³ “Designing a National Inquiry on Missing and Murdered Indigenous Women and Girls: Discussion Guide.” Government of Canada. <http://www.aadnc-aandc.gc.ca/eng/1451921853861/1451921924809> (accessed February 1, 2016).

should explore the organization and running of their own truth-seeking processes.”⁴ In its work in the realm of Aboriginal relations, UBCM has respected and supported the objectives of First Nations people with respect to assuming control of their communities and affairs. This principle recognizes the serious harms and legacies of Canada’s colonial past and the actions of all orders of government.

This approach also informs UBCM’s feedback regarding inquiry leadership. Indigenous leaders should be empowered to select credible and respected commissioners, in a way that is consistent with the wishes of survivors and loved ones. The inquiry should be independent and non-partisan and align with the federal *Inquires Act*, but not at the expense of cultural sensitivity, or in a way that is inconsistent with the wishes of participating Indigenous communities.

Government should be seen to be standing in support of inquiry commissioners. To this end, UBCM would like to offer assistance in profiling the work of the inquiry, and requesting appropriate engagement of BC local government representatives.

2. Who do you think should provide views or have an opportunity to participate in the inquiry?

Survivors, families and loved ones should be the primary focus of the inquiry in terms of participation. As inquiry pre-engagement session reports are released, there is a core group of other participants that are consistently raised as additional groups to engage to inform and support the inquiry, including:

- Survivors of violence, including sexual and domestic violence
- At-risk women and girls
- Elders and grandparents
- Youth
- Men and boys; particularly men with regard to their involvement in preventing violence
- Two-spirited community; transgender community
- Participants from remote Northern communities
- Support workers: Healers, counsellors, traditional faith keepers, linguistic supports
- Chiefs and Indigenous leaders
- Local, provincial and territorial, and federal governments
- Social service, grassroots and front-line workers
- Women’s organizations
- RCMP, provincial, local and Indigenous police forces
- Religious organizations
- Families of perpetrators
- Medical and education staff as well as victim service providers
- Aboriginal Friendship Centres
- Experts, including skilled Indigenous legal experts and professionals
- All Canadians should be encouraged to participate

Although the specific processes and mechanisms of the inquiry are currently under development, local government representatives have indicated a desire to attend and support the process, as

⁴ Expert Mechanism on the Rights of Indigenous Peoples. *Access to Justice in the Promotion and Protection of the Rights of Indigenous Peoples*. Geneva: United Nations Office of the High Commissioner of Human Rights, 2013. 24. http://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/Session6/A-HRC-EMRIP-2013-2_en.pdf (accessed February 1, 2016).

appropriate within the determined scope and design of the inquiry. The inquiry represents an opportunity to learn together, and work in collaboration on concrete actions. In addition, police forces, including local police, have factored heavily in discussions of root causes and actions to reduce the risk to Indigenous women and girls, and will have a key role to play as well. UBCM has an interest in acting as a conduit to ensure that local communities are aware of, and engage in the process.

Additionally, many of the issues that the inquiry will likely consider are within provincial jurisdiction. As such, the Province, and the Minister of Justice as current lead on this issue, will have a vital role to play during the inquiry, in advocating for necessary changes across BC ministries, and during implementation.

3. What are the key issues that need to be addressed by the inquiry?

Numerous reports and studies on violence towards Indigenous women in Canada have identified potential root causes. As the final report of the Truth and Reconciliation Commission, *Honouring the Truth, Reconciling the Future*, states:

More research is needed, but the available information suggests a devastating link between the large numbers of missing and murdered Aboriginal women and the many harmful background factors in their lives. These include: overrepresentation of Aboriginal children in child-welfare care; domestic and sexual violence; racism, poverty, and poor educational and health opportunities in Aboriginal communities; discriminatory practices against women related to band membership and Indian status; and inadequate supports for Aboriginal people in cities. This complex interplay of factors—many of which are part of the legacy of residential schools—needs to be examined, as does the lack of success of police forces in solving these crimes against Aboriginal women.⁵

The Government of Canada's *Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls*⁶ identifies three pillars under which Canada is taking action to address these underlying factors. These include:

- **Preventing Violence** by supporting community level solutions.
- **Supporting Aboriginal Victims** with appropriate services.
- **Protecting Aboriginal Women and Girls** by investing in shelters and continuing to improve Canada's law enforcement and justice systems.

While the inquiry commissioners will play a critical role in identifying a comprehensive list of issues that require consideration over the course of the inquiry, there are several areas of UBCM interest and advocacy that relate to the underlying causes and vulnerabilities raised above, and the disproportionate victimization of Indigenous women and girls in Canada. UBCM presents the following areas of policy for the Minister of Justice's review and consideration during the development of BC's response on key issues to be addressed by the inquiry.

⁵ *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*. Winnipeg: Truth and Reconciliation Commission of Canada, 2015. 180. http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf (accessed February 1, 2016).

⁶ "Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls." Government of Canada. <http://www.swc-cfc.gc.ca/violence/efforts/action-eng.html> (accessed February 1, 2016).

a. Ending violence against women and girls, and family violence prevention:

UBCM’s membership has recognized national, provincial and community-based research that documents the extent and effects of crime and violence against women and children in their homes, at their places of work and in their communities. Consequently, the membership has consistently endorsed resolutions calling for commitment to programs and initiatives that aim to reduce family violence, and violence against women and girls. In these resolutions, UBCM’s membership has sought:

- UBCM advocacy for an intergovernmental task force to determine the steps needed to erase the “rape culture” that is pervasive in schools, universities, workplaces and elsewhere across Canada; elicit testimony from victims in order to determine the steps needed to improve the reporting, arrest and conviction rates across Canada; and determine the steps needed to improve reporting, arrest and conviction rates across Canada. (UBCM Resolution 2015-B80⁷)
- Provincial legislation that would offer extended protection to victims of family and relationship violence beyond that which is provided for in the *Criminal Code* and to ensure that all justice system workers receive adequate and appropriate training in its administration. (UBCM Resolution 2012-B110)
- Provincial government restoration of operational core funding levels to all Women’s Resource Centres in the Province of BC. (UBCM Resolution 2005-B53)
- UBCM member commitment to ongoing efforts to prevent violence in communities, and to promote communities where all people can freely use public spaces, day or night, without fear of violence, and where people are safe from violence. This should be pursued by: ensuring that all municipal and regional programs and policies, including Official Community Plans, support personal and public safety; adopting development guidelines respecting issues of safety and security and applying those guidelines during review of Official Community Plans. (UBCM Resolution 1999-B36)

b. Victim services and support:

BC local governments recognize the value of police-based victim services, which provide valuable support and referral services to victims of crime and trauma in BC communities. The value of these services is echoed in TRC Call to Action #40⁸, which calls upon all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms. To this end, UBCM has consistently endorsed resolutions regarding adequate funding to support victim services, including requests that:

- The Ministry of Justice Victim Services and Crime Prevention increase the Ministry’s funding contribution for the provision of victim services with the Province of British Columbia. (UBCM Resolution 2015-B4)

⁷ The full text of each UBCM resolution is available in the searchable online UBCM Resolutions Database: <http://www.ubcm.ca/resolutions/default.aspx>

⁸ *Truth and Reconciliation Commission of Canada: Calls to Action*. Winnipeg: Truth and Reconciliation Commission of Canada, 2015. 4. http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf (accessed February 1, 2016).

- The Province of British Columbia provide adequate funding to support the Police Based Victim Services Program. (UBCM Resolution 2014-B4)

c. Community mental health and addiction programs:

The Native Women’s Association of Canada’s (NWAC) fact sheet, *Root Causes of Violence Against Aboriginal Women and the Impact of Colonization*⁹, states that many Aboriginal women and girls are forced into situations or coping strategies that increase their vulnerability to violence, such as hitchhiking, addictions, homelessness, prostitution and other sex work, gang involvement, or abusive relationships. NWAC also asserts that “alcohol has been cited as a risk factor for violence. Certainly, the connection between colonization, alcohol use and increased vulnerability can be seen in situations of family violence.” UBCM members have advocated for increased support and resources for persons suffering from mental health and substance use issues. Some of the advocacy work in this area has included requests that the Province of BC:

- Work with federal and local governments to establish early intervention centres where a person suffering mental health issues or substance and drug abuse can be housed or assigned, when a doctor feels that a person may do harm to himself/herself or others. (UBCM Resolution 2013-B120)
- Expand services and funding for people with mental illness and addictions, especially in small and midsize communities, where seed monies to fund "not for profit" day programs, street support workers, recreation programs and nutrition programs are critically lacking. (UBCM Resolution 2010-B42)

d. Reconciliation, education and public awareness:

The TRC’s final report recommends that an inquiry into Missing and Murdered Indigenous Women and Girls be called, with a mandate that includes links to the intergenerational legacy of residential schools. In 2013, the UBCM membership unanimously endorsed a resolution calling for a “Year of Reconciliation with First Nations across British Columbia”, recognizing the serious historic wrongs that Aboriginal people in Canada have endured, and committing to fostering a new relationship with Aboriginal people based in respect and honesty. UBCM members have supported the TRC Calls to Action, particularly with regard to local government’s role in public servant and public education and awareness. UBCM policy that fosters reconciliation, relationship building, education and public awareness includes requests that:

- British Columbia and Canada respectively undertake a review of the recommendations and provide a response to the Truth and Reconciliation Commission on how they intend to move forward no later than December 31, 2015. (UBCM Resolution 2015-B106)
- The federal government declare September 30th “Orange Shirt Day”, a national day to honour survivors, their families and their communities, to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process. (UBCM Resolution 2015-B107)

⁹ *Fact Sheet: Root Causes of Violence Against Aboriginal Women and the Impact of Colonization*. Ottawa: Native Women’s Association of Canada, 2015. http://www.nwac.ca/wp-content/uploads/2015/05/Fact_Sheet_Root_Causes_of_Violence_Against_Aboriginal_Women.pdf (accessed February 1, 2016).

- The Province of British Columbia establish and support a mutual education program to encourage understanding and foster positive relationships between First Nations and local governments, and that the BC ensure that there is meaningful consultation with affected local governments from the outset of any initiative to transfer provincial lands to First Nations. (UBCM Resolution 2007-B60)
- The federal government identify long-term funding to ensure the objectives of the Kelowna Accord are met. (UBCM Resolution 2006-B163)

e. Transportation and public safety in rural and remote regions:

In the report, *Forsaken: The Report of the Missing Women Commission of Inquiry*¹⁰, the Honourable Wally T. Oppal suggests measures to prevent violence against Aboriginal and rural women, including a recommendation that the Provincial Government fully support the implementation of The Highway of Tears Symposium Action Plan¹¹. The Action Plan recommends that a shuttle bus transportation system be established between each town and city located along Highway 16 (the Highway of Tears). These recommendations are consistent with calls from BC local governments requesting that the Province of BC:

- Provide adequate funding to support local and intercommunity transportation in rural communities. (UBCM Resolution 2015-B9)
- Implement a public transportation strategy and establish solutions leading to the sustainability of both public transit and taxis in all rural communities. (2013-B15)
- Implement the recommendation of the Highway of Tears Symposium by establishing and funding a shuttle bus service between northern communities. (UBCM Resolution 2012-C37)

The recently formed Highway 16 Transportation Advisory Group is comprised of provincial government, local government, First Nation, health authority and Highway of Tears Initiative representatives. The inquiry may wish to consider engaging this group to participate in discussions of Highway 16 transportation and safety.

f. Protective services and policing practices:

Policing issues including investigations, practices and protection have been raised consistently in the pre-inquiry discussions held so far, and factor heavily in discussions and reports on missing and murdered Indigenous women. Concerns have been raised with respect to gaps across police jurisdictions and communication between law enforcement agencies.

Local governments have an active role to play in discussions of changes to policing procedures and levels of service, as protective service providers. It is the interest of local governments that they participate fully in discussions of policing matters, listening and contributing their knowledge, as well as the resources that are within their means to provide.

¹⁰ Oppal, Wally T., Hon. *Forsaken: The Report of the Missing Women Commission of Inquiry*. British Columbia: Missing Women Commission of Inquiry, 2012. <http://www.missingwomeninquiry.ca/obtain-report/> (accessed February 1, 2016).

¹¹ Lheidli T'enneh First Nation, et al. *Highway of Tears Symposium Recommendations Report*. Prince George, BC: Highway of Tears Symposium, 2006. <http://highwayoftears.org/uploads/Highway%20of%20Tears%20Symposium%20Recommendations%20Report%20-%20January%202013.pdf> (accessed February 1, 2016).

UBCM would offer a reminder that in recent years, policing and protective service costs have increased and are approaching unsustainable levels for local governments. Given the limited mechanisms available to local governments for cost recovery, UBCM would ask that the provincial and federal governments remain cognizant of appropriate resourcing of recommended actions of the inquiry, particularly in relation to policing.

4. How can the process be set up so it results in providing concrete and practical recommendations for specific actions?

A key factor in ensuring that concrete and practical recommendations result from the process is to ensure that all parties sense a willingness from the federal government to enact significant, meaningful changes, and properly resource those actions. By calling this inquiry, the federal government has committed to adequate funding for its work, including a substantial long-term funding contribution for the implementation of recommendations of the commission.

5. How can cultural practices and ceremonies be incorporated into the design of the inquiry?

It is our view that families, loved ones and survivors, as well as participants from Indigenous communities local to inquiry proceedings are the appropriate individuals and organizations to consult regarding questions of the incorporation of cultural practices.

6. How is it best to involve the families, loved ones and survivors in the inquiry?

Families, loved ones and survivors should be free to participate in the inquiry in a manner that is consistent with their wishes and wellbeing. Direct consultation with these individuals is imperative to determining how to shape the process in a way that fosters inclusiveness, sensitivity and healing.

7. How should Indigenous groups (National Aboriginal Organizations, front-line workers, band councils, etc.) be included in the inquiry?

As is mentioned above, UBCM respects and supports the aspirations of First Nations people with respect to assuming control of their communities and affairs. Indigenous participants and organizations are the appropriate parties to consult regarding how best to include Aboriginal leadership and organizations.

8. What supports (health supports, counselling, translation, etc.) may be needed during the inquiry for individuals who are participating?

UBCM recognizes that the inquiry process is likely to retrigger feelings of sorrow, grief and hardship, and that appropriate supports are crucial to the process. It is again survivors, families and loved ones, as well as health experts, who are best positioned to determine what supports will be beneficial. With this said, UBCM would be very willing to assist the inquiry in connecting with local governments in the vicinity of events so that they may assist in directing inquiry representatives to local organizations and resources.

During the Truth and Reconciliation Commission's national events, Health Canada coordinated a network of experienced Indian Residential Schools Resolution Health Support Workers for the duration of events. These support workers were available to all participants, and included

Cultural Support Providers, Resolution Health Support Workers, and Registered Counsellors. This model may be worth consideration during discussions of necessary supports.

9. Is there anything else you would like to add to help design the inquiry?

From UBCM's perspective, information on the pre-inquiry design process has thus far been accessible and transparent. The posting of meeting summaries has allowed individuals and organizations to remain apprised of ongoing work, and potential future actions. UBCM would encourage continued openness and transparency throughout the process, to allow for fulsome understanding and dialogue, as well as public awareness.

Relatedly, as inquiry design continues and further work commences, UBCM would request clear and ongoing communication with participants, other orders of government, and the public, regarding governmental participation and areas of responsibility. Local government officials have become aware of a lack of clarity regarding how provincial initiatives, such as the Family Gathering, inform and intersect with inquiry proceedings. This communication is important for local service providers to understand what requests are being made of their organizations, and how best to support the activities underway.

Concluding Remarks

We would again like to thank the Ministry of Justice for the opportunity to provide local government perspectives and areas of interest to inform BC's submission on the National Inquiry into Missing and Murdered Indigenous Women and Girls.

UBCM respects the pre-inquiry design process, and the opportunity for all potential participants to share their perspectives. This submission has endeavoured to address the discussion questions as fully as possible at this early stage of inquiry design, with the hope and understanding that further discussions regarding the role of local governments in the inquiry process are to come.

UBCM looks forward to continued local government engagement with the provincial and federal governments as the inquiry undertakes this vital work. Inquiries regarding this submission may be directed to Angela Turner, UBCM Policy Analyst, at aturner@ubcm.ca or (604) 270-8226 Ext. 113.