

# Illuminating the Way: Beholding Power and Place



Congress of Aboriginal Peoples'  
National Action Plan on Missing and Murdered  
Indigenous Women, Girls and 2SLGBTQQIA+ People







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## Note on Terminology



The National Action Plan of the Congress of Aboriginal Peoples honours all Indigenous women, girls, and Two Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, , Asexual, and all other sexual orientations and gender identities.

In line with the United Nations Declaration on the Rights of Indigenous Peoples and for the purposes of this report, the National Action Plan of the Congress of Aboriginal Peoples uses the all-inclusive term "Indigenous" to refer to Indigenous peoples who are off-reserve, status, and non-status Indians, Métis, and Southern Inuit.

The Glossary of Terms can be found in Appendix 1.



## Dedication



The MMIWG Action Plan of the Congress of Aboriginal Peoples is dedicated to the missing and murdered Indigenous women, girls and 2SLGBTQQIA+ people, their families, and communities. The dedication recognizes the strength of survivors and those left behind to walk the path of justice.

The Congress wishes to thank all those who participated in the National Inquiry. CAP also extends appreciation to the National Elders Council, National Youth Council, and the Provincial Territorial Organizations who participated in the CAP National Engagement. Your voices have been heard.





# Acknowledgements



For many of the Congress of Aboriginal Peoples, who are also family members and survivors of MMIWG, the *Reclaiming Power and Place: Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* has had a personal impact. CAP is committed to ensuring they are not forgotten.

We give thanks to all the representative PTOs and their community members.

- Alliance Autochtone du Québec
- Association of Métis, Non and Status Indians Saskatchewan
- Congress of Aboriginal Peoples National Elder Council
- Congress of Aboriginal Peoples National Youth Council
- Indigenous Congress of Alberta Association
- Indigenous Peoples Alliance of Manitoba
- Native Council of Nova Scotia
- Native Council of Prince Edward Island
- Newfoundland Indigenous Peoples Alliance Inc.
- New Brunswick Aboriginal Peoples Council
- Northwest Indigenous Council
- NunatuKavut Community Council
- Ontario Coalition of Indigenous Peoples

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- President and Chief Lisa Cooper, Native Council of Prince Edward Island
- President Charlene Lavallee, Association of Métis, Non and Status Indians Saskatchewan
- Director Richard Cooper, National Youth Representative
- MMIWG Senior Advisor, Elizabeth Blaney
- CAP Executive Manager and Communications, Jessica Dawson
- Jennifer Brunet-Rentechem

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# Executive Summary



The Congress of Aboriginal Peoples (CAP) is a national representative organization for off-reserve, status, and non-status Indians, Métis, and Southern Inuit Indigenous people. CAP works collectively with affiliated provincial and territorial organizations (PTOs) in Prince Edward Island, Nova Scotia, New Brunswick, Newfoundland, and Labrador, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, and British Columbia to promote and advance common interests, needs and collective and individual rights.

## Where We Have Come From

The Congress joins the call of the many survivors, families, and communities to end violence against Indigenous women, girls and 2SLGBTQQIA+ people and address the persistent and deliberate human and Indigenous rights violations and abuses that are at the root. CAP has long advocated for the safety and security of Indigenous women and girls and continued to do so throughout the National Inquiry into Missing and Murdered Indigenous Women and Girls. The release of the *Reclaiming Power and Place: Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* is recognized as an important milestone. CAP has continued the dialogue through national engagement. Throughout, members were clear that the root causes of missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ people require substantial and transformative change.

The CAP National Action Plan is a call to action in response to the 231 Calls for Justice in the *Final Report of the National Inquiry*. As eloquently stated by a CAP member during the CAP national engagement, "our children are looking to us to bridge the divides, look past our differences, master our fears and find a common humanity". The CAP National Action Plan is evergreen.



## Off-Reserve Status and Non-Status Indigenous People

Indigenous people are strong and resilient in their identities and culture. However, colonization has had lasting and harmful effects. Ending the violence experienced by Indigenous women, girls, and 2SLGBTQQIA+ people requires addressing the effects of colonization from rights to identity and to imposed heteronormativity in violation of Indigenous norms of inclusiveness and non-interference. The Congress seeks remedies based on the recognition and implementation of inherent Indigenous rights, constitutional rights, and domestic and international human rights. In line with the *Final Report of the National Inquiry*, services and solutions must be led by Indigenous governments, organizations, and people as defined in the *United Nations Declaration on the Rights of Indigenous People*. Resourcing must be substantive, ongoing, and inclusive. Remedies must address inequities and involve a meaningful and diligent implementation process that ends the structured exclusion of Indigenous people which has divided families and communities.

More information about the off-reserve status and non-status Indigenous people and the impacts of colonialism can be found in Chapter 3.

## Vision

CAP survivors, families, and communities envision a world where all Indigenous women, girls, and 2SLGBTQQIA+ people, regardless of status and residency, feel safe, respected, and valued.

## Principles for Change

Underlying the CAP National Action Plan is a set of principles for change based on those wholly or partly identified within the *Final Report of the National Inquiry*. CAP also draws attention to gaps and those principles that require further elaboration and have value and significance for CAP constituents. The principles for change in the CAP National Action Plan are the foundation for meaningful and permanent transformation. The CAP principles also draw attention to a recognized need for the inclusion of Indigenous men and boys.

A further elaboration on the CAP principles for change can be found in Chapter 5.



## Goals of the CAP National Action Plan

While the goals of the CAP National Action Plan align with the *Final Report of the National Inquiry* they are intended to address those matters of urgency identified by CAP's constituents. The CAP National Action Plan adopts the following seven goals:

- Provision of continual and accessible programs and services, inclusive of diverse identities including 2SLGBTQQIA+ people.
- Right to substantive equality in health, human security, culture, resources, and infrastructure.
- Root causes of systemic discrimination and gender-based violence are addressed through the removal of systemic barriers to improving the status of Indigenous women, girls, and 2SLGBTQQIA+ people.
- Sustainable resourcing to ensure Indigenous expertise and Indigenous-led programming.
- Barrier-free access and specific service provision requirements to ensure that principles of inclusion apply regardless of status and location.
- Greater capacity and participation of Indigenous women, girls, and 2SLGBTQQIA+ people in the development of systems and policies that affect them, their families, and communities.
- Accountability that is Indigenous-led and captures the diversity of Indigenous people and communities.

A further elaboration on the goals of the CAP National Action Plan can be found in Chapter 6.

## Pathway to Safety and Wellbeing

Families, survivors, and community members identified a pathway to safety and wellbeing for Indigenous women, girls, and 2SLGBTQQIA+ people. This pathway will lead to meaningful and permanent change. It will also ensure that all Indigenous women, girls, and 2SLGBTQQIA+ people are respected, enjoy their rights, and reclaim their power and place with dignity.

Five elements form the CAP pathway to safety and wellbeing. They align with the Calls for Justice under the theme of Human and Indigenous Rights and Governmental Obligations:

- Safety at the Heart: No One is Left Behind
- Mobility of Rights: Not Just Passing Through
- Access to Resources: Moving Beyond “The Forgotten People”
- Intergovernmental Coordination: Addressing the “Jurisdictional Wasteland”
- Accountability: Building Trust, Sharing Responsibility

A further elaboration on the five elements and what we heard from CAP families, survivors and community members can be found in Chapter 7.

## Calls for Justice Priorities

All 231 Calls for Justice in the *Final Report of the National Inquiry* are urgent priorities. While not excluding any of the deeply connected Calls for Justice, the CAP National Action Plan draws attention to those priorities that are immediate and address sensitive issues. These priorities also draw attention to gaps in hopes that implementation is inclusive of all Indigenous women, girls, and 2SLGBTQQIA+ people, regardless of status or residency.

The CAP priorities represent an important act of reconciliation and would constitute a significant step towards ending what the *Final Report of the National Inquiry* refer to as genocide and practices that maintain colonial violence. They also represent an important step toward the implementation of Canada's obligations enshrined in international human rights conventions and declarations.

Prevention is possible through systemic change. Urgent action is also needed now that requires engagement with systems to see what investments can be made in the short-term.

The CAP priorities are organized according to the themes in the *Final Report of the National Inquiry*: culture, health and wellness, human security, justice, and calls to all Canadians to promote dialogue.

Chapter 8 contains the priorities identified during CAP's National Engagement Strategy.

## Accountability Framework

Accountability is key for building trust between governments and Indigenous people. The Congress of Aboriginal Peoples will work with governments and create a framework to identify means of monitoring, measuring, and reporting that are inclusive of the CAP's constituents.

A further elaboration on CAP's recommendation for accountability can be found in Chapter 8. See Appendix 3 for the CAP framework on data collection and CAP's data collection issues.

## Next Steps

Chapter 9 provides a set of next steps that were identified through CAP's MMIWG national engagement process. Informed by the *Final Report of the National Inquiry*, they provide a map for national action.

A further elaboration on next steps for the Congress of Aboriginal Peoples can be found in Chapter 9.

## 2

## Background: Where We've Come From



**The legacies of those who no longer walk among us will not be forgotten as all Canadians have a moral obligation to share this sacred responsibility in breaking down systemic barriers, eliminating violence, and ultimately creating safer spaces for Indigenous women, girls, and 2SLGBTQQIA people.<sup>1</sup>**

After decades of advocacy from families, survivors, and grassroots organizations about the alarming number of disappearances and murders of Indigenous women and girls in Canada, in 2016 governments created the National Inquiry into Missing and Murdered Indigenous Women and Girls.

As parties with official standing during the National Inquiry, from 2016 to 2019, CAP and affiliated PTOs participated in expert and institutional hearings, a roundtable of individuals from other National Indigenous Organizations, and provided input to the research strategy and education guide.

In 2017, CAP passed a resolution through the Annual General Assembly in support of the National Inquiry's request for a two-year extension. CAP raised concerns about the impact on families when only an additional six months was granted. CAP's presence at the National Inquiry ensured that issues of status and residency were addressed within the National Inquiry's *Final Report of the National Inquiry*.<sup>2</sup>

On June 3rd, 2019, the Commissioners presented the *Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* entitled "Reclaiming Power and Place" to Prime Minister Trudeau. The report focused on the underlying causes for the continued violence against Indigenous women, girls, and 2SLGBTQQIA+ people. Based on the results of the Truth-Gathering Process, the National Inquiry concluded

<sup>1</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, *Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls: Reclaiming Power and Place*. Vol 1a. p. 1.

<sup>2</sup> The Final Report of the National Inquiry into MMIWG can be found at: <https://www.mmiwg-ffada.ca/>

that violence experienced by Indigenous women, girls, and 2SLGBTQQIA+ people amounts to genocide.

At the closing ceremony of the National Inquiry, Prime Minister Trudeau committed to developing a National Action Plan and turning the National Inquiry's 231 Calls for Justice into real and meaningful Indigenous-led action. To achieve this, governments, Indigenous representative organizations, and partners from across the country developed a National Action Plan.

In 2020, CAP representatives participated in the development of sections of the *MMIWG2S+ National Action Plan* (NAP). CAP's presence as a contributing partner was meant to ensure inclusion in framing the National Action Plan<sup>3</sup>, a summary chapter of CAP's interests and priorities,<sup>4</sup> and a chapter within the *MMIWG2S+ National Action Plan* data strategy entitled *Creating New Pathways for Data*.<sup>5</sup>

On June 3rd, 2021, the *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls and 2SLGBTQQIA+ PEOPLE* was released at a virtual ceremony.<sup>6</sup> During this time, CAP created a working group to develop the MMIWG National Action Plan for the Congress of Aboriginal Peoples.

Throughout 2021 and 2022, CAP continued to hold engagement sessions with PTOs, National Elders Council, and National Youth Council to ensure that the voices of all families and survivors would be included in the CAP National Action Plan. CAP affiliates also held their own MMIWG events with families and survivors. The purpose of the events was to honour the voices of families and survivors and to identify key priority areas for action.

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3 The full National Action Plan can be found at: <https://mmiwg2splus-nationalactionplan.ca/>

4 CAP's summary chapter can be found at: [https://4c3tru4erdnui9g3ggftji1d-wpengine.netdna-ssl.com/wp-content/uploads/2021/06/Congress-of-Aboriginal-Peoples\\_EN.pdf](https://4c3tru4erdnui9g3ggftji1d-wpengine.netdna-ssl.com/wp-content/uploads/2021/06/Congress-of-Aboriginal-Peoples_EN.pdf)

5 The full MMIWG data strategy can be found at: [https://4c3tru4erdnui9g3ggftji1d-wpengine.netdna-ssl.com/wp-content/uploads/2021/06/Congress-of-Aboriginal-Peoples\\_EN.pdf](https://4c3tru4erdnui9g3ggftji1d-wpengine.netdna-ssl.com/wp-content/uploads/2021/06/Congress-of-Aboriginal-Peoples_EN.pdf)

6 You can find the a2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls and 2SLGBTQQIA+ PEOPLE, the provincial plans, and the sub working group action plans, and the provincial plans including CAP's Interim Report at [MMIWG2Splus-nationalactionplan.ca](https://mmiwg2splus-nationalactionplan.ca).





CAP participates in pre-Inquiry discussions on MMIWG

Federal Government announces the launch of an Inquiry into Missing and Murdered Indigenous Women and Girls

**2015**

CAP passes resolution to support extension of National Inquiry

Truth Gathering Process begins. Government of Canada begins holding public community hearings, gathering private statements, setting up expert panels and reviewing written archival materials and existing research into the issue.

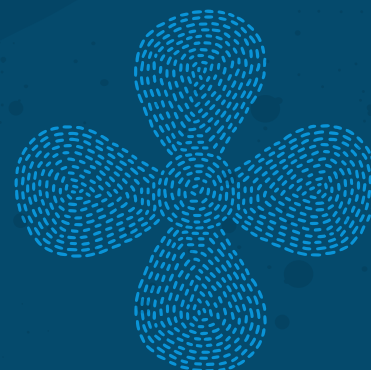
**2017**

**2016**

Government of Canada announces the National Inquiry into MMIWG

**2018**

CAP participated in the National Inquiry into Missing and Murdered Indigenous Women and Girls (NIMMIWG) as a party with standing in the proceedings



MMIWG Commissioners releases *Reclaiming Power and Place: The Final Inquiry into Missing and Murdered Indigenous Women and Girls* and 231 Calls for Justice.

2019

CAP holds Engagement sessions with affiliated Provincial Territorial Organizations to gather feedback on draft CAP MMIWG NAP

2021

CAP holds National MMIWG Summit to discuss the 231 Calls for Justice  
Creation of CAP MMIWG National Action Plan


2020

Release of *Illuminating the Way: Beholding Power and Place* – Congress of Aboriginal Peoples' National Action Plan on Missing and Murdered Indigenous Woman, Girls and 2SLGBTQQIA+

2022







The goal of the CAP MMIWG National Action Plan is the safety and wellbeing of Indigenous women, girls, and 2SLGBTQQIA+ people. It draws attention to the need to ensure that human and Indigenous rights are respected, regardless of status or residency. It embraces respectful, inclusive, and decolonized approaches challenging discriminatory colonial policies and practices of exclusion and inequity. It stresses that to guarantee a future where Indigenous women, girls, and 2SLGBTQQIA+ people feel safe it is important to ensure that the unique issues faced by women, girls, and 2SLGBTQQIA+ people who live in rural, urban, and remote areas are addressed. It pays particular attention to the sensitive issues around *identity* to ensure that principles of *inclusion*, *meaningful equality*<sup>7</sup>, and *non-discrimination* identified in the Final Report of the National Inquiry are honoured.

The National Action Plan of the Congress of Aboriginal Peoples provides a framework for a world where all Indigenous women, girls, and 2SLGBTQQIA+ people regardless of status and residency feel safe, respected, and valued.

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7 The CAP National Action Plan adopts the definition of substantive equality referred to in the Final Report of the National Inquiry: “substantive equality ... refers to the achievement of true equality in outcomes. National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. Vol 1b. p. 170.



# 3

## The Off-reserve, Status and Non-Status Indians, Métis, and Southern Inuit



...To understand where we find ourselves today, we also need to take a step back to examine how this crisis was created within the specific realities of colonialism, racism, and misogyny in a historical context.<sup>8</sup>

The Congress of Aboriginal Peoples (CAP), formerly known as the Native Council of Canada, was founded in 1971. Today it is a representative organization for Indigenous people who live off-reserve and who are status and non-status Indians, Métis, and Southern Inuit. The CAP constituency spans coast to coast to coast with people of diverse Indigenous identities, representing the interests of hundreds of thousands of Indigenous persons. CAP works collectively with affiliated provincial territorial organizations<sup>9</sup> (PTOs) to promote and advance the common interests, the collective and individual rights, and needs of their members. Well-respected and deeply connected to their local communities, CAP PTOs deliver assistance throughout the country in areas such as housing, education, employment, mental health, and language.

The Congress arose as a representative for the “forgotten people” in response to the structural and systemic exclusion of Indigenous people in federal policy. The 2016 Census reported that there of the 1.6 million Indigenous people in Canada, 51%, or 853,000, were not classified as Registered or Treaty Indians (i.e., Status Indians).<sup>10</sup>

8 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. Vol 1a. p. 89.

9 CAP's provincial and territorial affiliate organizations include: Alliance Autochtone du Quebec, Association of Métis, Non and Status Indians Saskatchewan, Indigenous Congress of Alberta Association, Indigenous Peoples Alliance of Manitoba, Native Council of Nova Scotia, Native Council of Prince Edward Island, New Brunswick Aboriginal Peoples Council, Newfoundland Indigenous Peoples Alliance Inc., North West Indigenous Council, NunatuKavut Community Council, Ontario Coalition of Indigenous People.

10 Statistics Canada, Aboriginal Population Profile, 2016 Census, Catalogue no. 98-510-X2016001 (Ottawa: Statistics Canada, 2018), online: <<https://www12.statcan.gc.ca/census-recensement/2016/dppd/abpopprof/index.cfm?Lang=E>>.



81% of the Indigenous population or approximately 1.3 million people live off-reserve in Canada today.<sup>11</sup> Many experience widespread discrimination. They are among the most socially and economically disadvantaged groups in Canadian society,<sup>12</sup> an unfortunate reality deeply rooted in colonialism and its impacts.

Like most Indigenous people, CAP members have a complicated family history resulting from the impacts of colonization leaving identity verification to be problematic. Having to prove one's identity to access services keeps countless from finding much needed supports and assistance. In the same way, requirements for funding based on identity have proven to alienate an already high-risk population and negatively impact a fractured sense of belonging and community. While resilient, CAP constituents struggle to maintain their identity in the face of unrelenting colonial power.

CAP refuses to accept the Canadian government's mistaken belief that off-reserve status and non-status people have abandoned their identities and culture. Status and residency are not indicators of Indigeneity.

### 3.1 The Indian Act

Canadian legislation, specifically the *Indian Act*,<sup>13</sup> is part of a long history of policies intended to extinguish Aboriginal rights and terminate Indigenous people through the extinguishment of Indigenous self-government structures and absorption into the Canadian mainstream. It marked the beginning of gender-based exclusion to Aboriginal rights and the marginalization of Indigenous women.<sup>14</sup> The intent of legislated dispossession was to remove control of Indigenous people over their lands and resources, traditional customs, forms of organization and governance, and to eventually breakdown Indigenous societies and assimilate Indigenous people into mainstream non-Indigenous society.

The Royal Commission on Aboriginal Peoples described it as "displacement": physically

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11 See Statistics Canada, "Aboriginal peoples in Canada: Key results from the 2016 Census", (Published in *The Daily*, Catalogue No 11-001-X, 2017) Online: <<https://www150.statcan.gc.ca/n1/daily-quotidien/171025/dq171025a-eng.htm>>.

12 See *Daniels v Canada (Minister of Indian Affairs and Northern Development)*, 2014 FCA 101 at para 70, 371 DLR (4th) 725 [*Daniels FCA*].

13 The Indian Act online, at <http://laws-lois.justice.gc.ca/eng/acts/i.5/>

14 For a closer look at the process of excluding women read Royal Commission on Aboriginal Peoples (1996). Chapter 9: The Indian Act, in Report of the Royal Commission on Aboriginal Peoples: Looking Forward, Looking Back. Volume 1. Ottawa: The Royal Commission on Aboriginal Peoples, pp. 235-308.

through denial of access to traditional territories; socially and culturally through missionary activity and the creation of schools which undermined the ability of many to pass on traditional values; and, politically by colonial laws to abandon traditional governing structures and adopt colonial style institutions. The *Indian Act* empowered the colonial government to decide who was Indigenous, creating division by constructing distinctions.<sup>15</sup> Though discriminatory distinctions based on status have been successfully challenged since the 1970s, issues remain unaddressed.<sup>16</sup> The discrimination has caused much hardship to Indigenous women and their families and the damage of these intergenerational forms of violence created through colonial policy continues.

As Pamela Palmater, chair in Indigenous Governance at Ryerson University, explains:

**If you speak to Indigenous women today, they will tell you that the crisis is far from over. The Indian Act still discriminates against Indigenous women and their descendants in the transmission of Indian status and membership in First Nations. Indigenous women suffer far greater rates of heart disease and stroke; they have higher rates of suicide attempts; they disproportionately live in poverty as single parents; their overincarceration rates have increased by 90% in the last decade; and 48% of all children in foster care in Canada are Indigenous. With this list of harrowing statistics, is it any wonder that thousands of our sisters are missing or murdered?<sup>17</sup>**

The effect of colonization is broad, impacting every aspect of Indigenous peoples lives from identity to rights, and to imposed heteronormativity in violation of Indigenous norms of inclusiveness and non-interference. Government policies about who is and who is not Indigenous have changed overtime, yet they still deny rights and create harmful classifications that benefit one group over another. The right of self-determination and the remediation of harmful past exclusions demands a principled and inclusive approach to ending violence against Indigenous women, girls, and 2SLGBTQQIA+ people.

<sup>15</sup> Royal Commission on Aboriginal Peoples (1996). Report of the Royal Commission on Aboriginal Peoples, vol. 1, Looking Forward, Looking Back. Ottawa: The Commission.

<sup>16</sup> For example, in 1970 the Royal Commission on the Status of Women recommended amendments to the Indian Act that would eliminate sexist discrimination within the Indian Act and enable the transmission of status through the mother. In 1981 the United Nations Human Rights Committee found that the loss status upon marriage violated the *International Covenant on Civil and Political Rights*.

<sup>17</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. Vol 1a.p. 53.

### 3.2 Daniels and a Renewed Relationship

In 1999 CAP commenced the Daniels case to address the continuing exclusion of many of its constituents from federal programming, support for Indigenous self-determination, and recognition of Indigenous rights. CAP sought a declaration that Métis and Non-Status Indigenous people fell within federal jurisdiction. In 2016, the Supreme Court ruled in CAP's favour. In *Daniels v. Canada*<sup>18</sup> (referred to as the CAP-Daniels decision), the Supreme Court ruled that the federal government has a constitutional responsibility for Métis and non-status Indians and that it is to the federal government to whom they can turn for policy redress.<sup>19</sup> Putting an end to jurisdictional disputes over responsibility, the CAP-Daniels ruling offers a path forward out of what the SCC called a "jurisdictional wasteland", and to recognize the Indigenous rights of all non-Status and Métis people once and for all.

In 2018, following the Supreme Court of Canada decision in Daniels, CAP and the Federal Government entered a new relationship through the *Canada-Congress of Aboriginal Peoples Political Accord (Political Accord)*<sup>20</sup> in which the Federal government recognized CAP's mandate as a national voice for off-reserve Status and Non-Status Indians, NunatuKavut Inuit, and Métis peoples. Through the *Political Accord*, CAP works to uphold the rights of its constituents, challenge discriminatory approaches to Indigenous policy, and hold governments accountability in their responsibilities to the non-status and off-reserve populations.<sup>21</sup>

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18 See *Daniels v. Canada* (Indian Affairs and Northern Development, 2016 SCC 12 [Daniels SCC]).

19 See Daniels SCC, para. 15.

20 Canada-Congress of Aboriginal Peoples Political Accord (05 December 2018), online: <<http://www.abo-peoples.org/wp-content/uploads/2019/02/Political-Accord-ENG.pdf>>.

21 Canada-Congress of Aboriginal Peoples Political Accord (05 December 2018), online: <<http://www.abo-peoples.org/wp-content/uploads/2019/02/Political-Accord-ENG.pdf>>.

In the preface to the *Final Report of the National Inquiry* Chief Commissioner Marion Buller stated,

**The truth is that we live in a country whose laws and institutions perpetuate violations of basic human and Indigenous rights. These violations amount to nothing less than the deliberate, often covert campaign of genocide against Indigenous women, girls, and 2SLGBTQQIA people. This is not what Canada is supposed to be about; it is not what it purports to stand for.<sup>22</sup>**

In keeping with *Final Report of the National Inquiry*, the CAP National Action Plan seeks remedies based on the recognition and implementation of inherent Indigenous rights, constitutional rights, and domestic and international human rights of Indigenous women, girls, and 2SLGBTQQIA+ people.

### 3.3 United Nations Declaration on the Rights of Indigenous Peoples

The *Final Report of the National Inquiry* calls for a shift away from colonialism within Canadian society and calls on governments to implement domestic and international declarations and treaties including the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). The CAP National Action Plan reaffirms that implementation of the 231 Calls for Justice must be inclusive in accordance with the inherent rights enshrined within the UNDRIP. Indigenous people, in the exercise of their rights, should be free from discrimination of any kind as defined in article 2 of UNDRIP. Solutions must be led by Indigenous governments, organizations, and people as expressed in articles 3, 4, 5, and 18 of the UNDRIP.<sup>23</sup>

<sup>22</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. Vol 1a. p. 5.

<sup>23</sup> United Nations Declaration on the Rights of Indigenous Peoples (2007). UNGAOR, 61st Session, UN Doc A/RES/61/295.



# 4

## The Vision Statement of the Congress of Aboriginal Peoples



The Congress of Aboriginal Peoples envisions a world where all Indigenous women, girls, and 2SLGBTQQIA+ people are safe, respected, and valued.

"Where do I come from? Where am I going? What am I here for? Who am I? These prompts lead us to reflect on the root causes of MMIWG2S+. They pertain to the loss of identity, culture, place, and power among Indigenous communities and how the healing of these areas will be key in finding resolution and justice."

– CAP National Elders Council

We recognize and honour the matriarchy, the sacred principles of being a giver-of-life and a keeper of traditions – our women, girls and 2SLGBTQQIA+ people are sacred and deserve a world where they can feel safe and respected."

– CAP National Youth Council



# 5

## Principles for Change

### Human Rights, Indigenous Rights, and Substantive Equality

The Congress of Aboriginal Peoples adopts the following principles for change that were wholly or partly identified within the *Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. CAP draws attention to the issues that are missing or require further elaboration and that have value and significance for CAP members.

### Decolonizing Approaches and the Recognition of Self-determination

Decolonization refers to resisting and undoing the impacts, relationships, and powers of colonization. It requires all of us to address the barriers that stand in the way of reclaiming and restoring the rightful place of all Indigenous women, girls, and 2SLGBTQQIA+ people.

### Inclusive and Intersectional

Indigenous people have diverse and differing identities, experiences, and histories. An inclusive and intersectional approach is about respectful relationships, safe environments, celebrating one another, and honouring all Indigenous people's unique gifts and strengths.

## Cultural Safety, Trauma-Informed and Non-Discriminatory Approach

To achieve equality in outcomes, Indigenous women, girls and 2SLGBTQQIA+ people require Indigenous-led and barrier-free, wholistic, and spiritually, socially, physically, and emotionally culturally safe services and processes that are accountable.

## Intergovernmental Coordination and Partnership Collaboration

The clarification and resolution of historical and jurisdictional issues and conflicts between all levels of government and in partnership with Indigenous organizations is essential for the health, wellness, and safety of Indigenous women, girls, and 2SLGBTQQIA+ people.

## Accountability

Rebuilding trust through Indigenous-led oversight and accountability measures will be an important part of the process of creating a country where Indigenous women, girls, and 2SLGBTQQIA+ people can expect their human and Indigenous rights to be respected and to live in safety.

## MMIMB

In light of the findings in the *Final Report of the National Inquiry*, there is a recognized need for the inclusion of Indigenous men and boys.





## Goals of the Congress of Aboriginal Peoples' National Action Plan



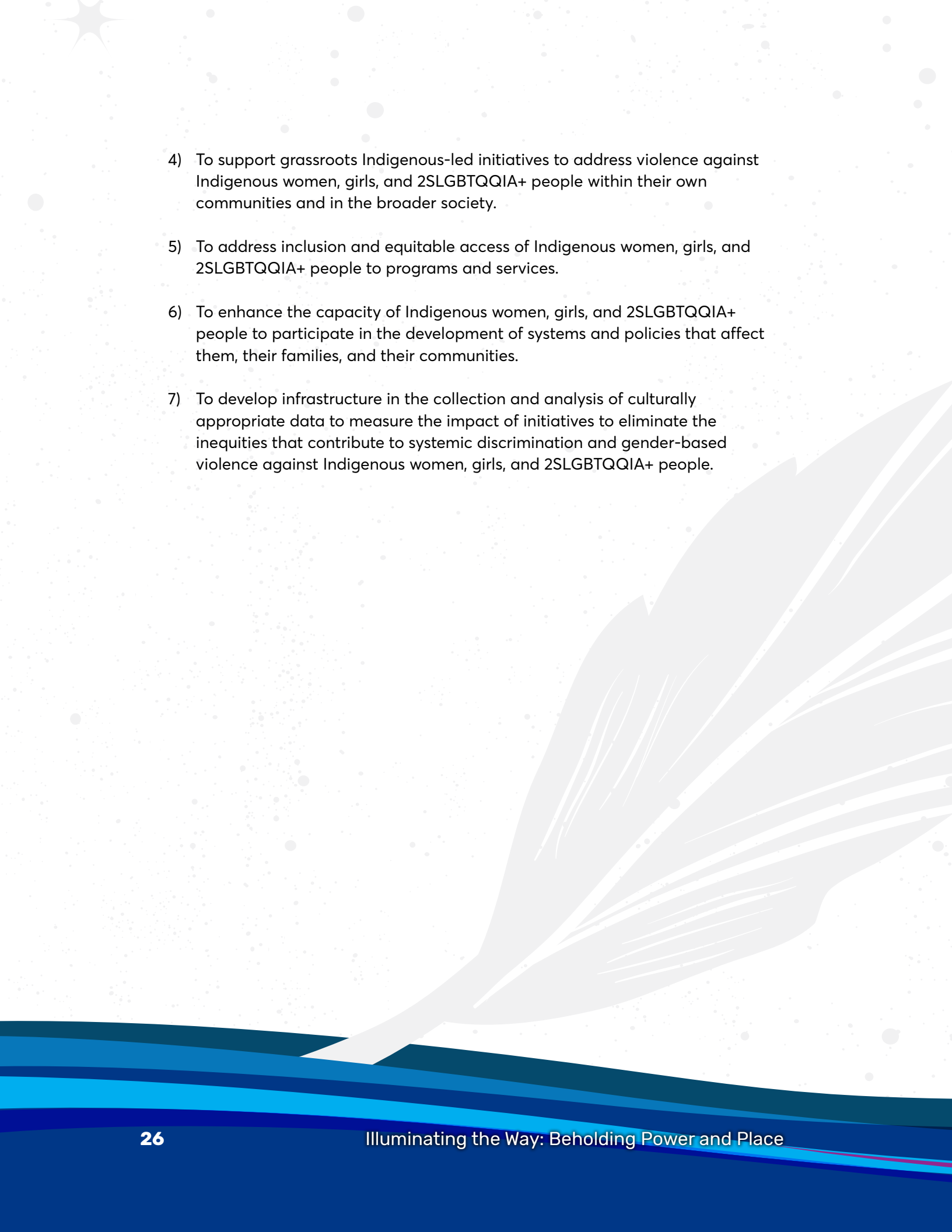
The CAP National Action Plan begins by centering the victims and survivors of violence and their families. Comprised of a diversity of Indigenous people with different histories, experiences, and ways of knowing and being, the Congress supports an approach that recognizes the diversity of Indigenous people.

In line with the Final Report of the National Inquiry, CAP upholds that a rights-based inclusive approach to action is required to improve the lives of all Indigenous women, girls, and 2SLGBTQQIA+ people. Without the unique rights and interests of all Indigenous people upheld and critical gaps addressed, policy and programming will not go far enough to reduce the chronic overrepresentation of Indigenous women, girls, and 2SLGBTQQIA+ people as victims and survivors of violence.

CAP recognizes the expertise of Indigenous women, girls, and 2SLGBTQQIA+ people to develop policies and transform systems. CAP also seeks collaborative models that provide opportunities for all Canadians to abandon insensitive and discriminatory patterns. The CAP National Action Plan will help to ensure that the way forward includes all Indigenous women, girls and 2SLGBTQQIA+ people.

- 1) To provide support and assistance to victims and survivors of missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ people.
- 2) To address the reluctance to implement human rights and Indigenous rights that block equitable access of Indigenous women, girls, and 2SLGBTQQIA+ people to educational, health, economic, cultural, spiritual, land, and political rights.
- 3) To address the root causes of systemic discrimination and gender-based violence against Indigenous women, girls, and 2SLGBTQQIA+ people and the barriers to improving the economic, political, cultural, spiritual, educational and health status of Indigenous women, girls, and 2SLGBTQQIA+ people.



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- 4) To support grassroots Indigenous-led initiatives to address violence against Indigenous women, girls, and 2SLGBTQQIA+ people within their own communities and in the broader society.
  - 5) To address inclusion and equitable access of Indigenous women, girls, and 2SLGBTQQIA+ people to programs and services.
  - 6) To enhance the capacity of Indigenous women, girls, and 2SLGBTQQIA+ people to participate in the development of systems and policies that affect them, their families, and their communities.
  - 7) To develop infrastructure in the collection and analysis of culturally appropriate data to measure the impact of initiatives to eliminate the inequities that contribute to systemic discrimination and gender-based violence against Indigenous women, girls, and 2SLGBTQQIA+ people.

# 7

## Pathway to Safety and Wellbeing

**An absolute paradigm shift is required to dismantle colonialism within Canadian society, and from all levels of government and public institutions. Ideologies and instruments of colonialism, racism, and misogyny, past and present, must be rejected.<sup>24</sup>**

The National Action Plan of the Congress of Aboriginal Peoples calls attention to the sensitive and highly political issues surrounding *identity* to ensure that all Indigenous women, girls, and 2SLGBTQQIA+ people are respected, enjoy their rights, and reclaim their power and place with dignity.

Throughout the national engagement families, survivors, and community members identified fundamental building blocks for meaningful and permanent transformation that align with the principles for change identified in the *Final Report of the National Inquiry*. They form important elements of a pathway to safety and wellbeing for all Indigenous women, girls, and 2SLGBTQQIA+ people.



<sup>24</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. Vol 1a. p. 174.

## 7.1 Safety at the Heart: No One is Left Behind

**We have been raising our concerns to deaf ears for far too long; our voices often muzzled by powers of bureaucracy that have been designed to silence us as we fight for our survival; a story that has become all too common even at present as we try and find ways to ensure our safety in the future.<sup>25</sup>**

Families, survivors, and community members repeated that the safety of Indigenous women, girls, and 2SLGBTQQIA+ people must remain at the heart of the work forward to end violence against Indigenous women, girls, and 2SLGBTQQIA+ people. A safe approach includes recognition of the unique rights and circumstances of the growing Indigenous populations, status and non-status, who live off-reserve in rural, urban, and remote areas. A safe approach ensures that no one is left behind.

The adoption of a safe approach as understood by Indigenous peoples represents an important act of reconciliation and a significant step towards addressing the root causes of violence against Indigenous women at the heart of Canada's obligations enshrined in international human rights conventions and declarations.<sup>26</sup> Ending the violence requires immediate and long-term measures that are safe, respectful, inclusive, non-discriminatory, and far-reaching.<sup>27</sup>

25 Leah Gazan quoted in National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. Vol 1a. p. 376.

26 United Nations Human Rights Office of the High Commissioner, News Release, "Canada must address root causes of extreme violence against indigenous women – Rights experts" (1 February 2016), online: OHCHR News and Events.

27 Department of Justice. (2018). Principles Respecting the Government of Canada's Relationship with Indigenous Peoples. Ottawa: Department of Justice. Online: <https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html>

## What We Heard

CAP members identified the following key responsibilities toward ensuring that no one is left behind:

- Honour the human rights approach and decolonized lens of the *Final Report of the National Inquiry* to address the fundamental issue of identity to ensure that no one is left behind as the Calls for Justice are implemented, and resources and services are directed.
- Address the divisive and exclusionary use of distinctions-based approaches to rights, programs, and services.
- Respect inclusive and decolonized approaches to Indigenous identity throughout the implementation strategy.
- Ensure equality in resourcing services.

## 7.2 Mobility of Rights: “Not Just Passing Through”

**Indigenous knowledge systems and ways of understanding land, governance, and identity were targeted by colonizers who wanted to possess the land and to rid it of its people.<sup>28</sup>**

Indigenous people have always lived in socially, politically, and economically complex societies with significant mobility over huge distances for resources and intertribal trade. Settler societies are located on traditional territories that Indigenous people inhabited for thousands of years. After a history of having the right to travel and live where individuals, families, and communities choose greatly violated by the Indian Act and the reserve system, the right of freedom of movement is extremely important to CAP constituents.

<sup>28</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. Vol 1a. p. 312.

**Though historical Indigenous societies are depicted as hunters and gatherers who lived in isolated wilderness, the first peoples of North America lived in socially politically and economically complex societies with significant mobility over huge distances for resources and intertribal trade.<sup>29</sup>**

The legacy of colonial dispossession has had lasting impacts on the Indigenous lives, rights, and status, particularly if an Indigenous person lives outside of the colonial reserve system. This is especially felt when seeking to reclaim and restore Indigenous nations, ties to the land of ancestors, and/or when asserting self-determination. Restrictive and discriminatory laws and policies are deeply connected to violence against Indigenous women, girls, and 2SLGBTQQIA+ people.

Wherever Indigenous women, girls, and 2SLGBTQQIA + people live and reside, the right to culture, health, security, and justice must be based on the foundational right to self-determination. In line with the *Final Report of the National Inquiry*, CAP constituents maintain that these rights must be understood in Indigenous terms.

### **What we heard**

CAP members identified the following key responsibilities toward reimagining the colonial narrative:

- Recognize the erasure of Indigenous people from urban and rural spaces as an act of cultural violence.
- Maintain a sensitivity in programming and service provision regarding realities and requirements of rural and urban Indigenous women, girls, and 2SLGBTQQIA+ people.
- Recognize the portability of the rights of Indigenous women, girls, and 2SLGBTQQIA+ people.

<sup>29</sup> Congress of Aboriginal Peoples (2019). Urban Indigenous People: Not Just Passing Through 2019 Research report, p. 8.



## 7.3 Access to Resources as Healing: Moving Beyond “the Forgotten People”

**The act of defining the identity of individuals and Peoples was a gross demonstration of colonial power that completely ignored inherent Indigenous rights to self-determination.<sup>30</sup>**

Despite calls from the United Nations Special Rapporteur to ensure equal services for all Indigenous people,<sup>31</sup> Canadian governments continue to adopt a policy approach that refuses to accept responsibility for those who live in urban, rural, and remote areas. However, violence and discrimination are experienced by Indigenous women, girls, and 2SLGBTQQIA+ people, regardless of their status or where they live.

Further, the disruption of connection to the land, resources, and culture has undermined the wellbeing of Indigenous families and children for generations. Access to resources will pave the way for community restoration and individual and collective healing.

CAP's constituents call for a healing process that is grounded in access to adequate services, visibility in Indigenous policy, and equality of outcomes in critical areas such as education, employment, housing, and healthcare.

### What we heard

CAP members identified the following key responsibilities toward removing barriers that limit the access to safety and wellbeing for off-reserve status and non-status urban and rural Indigenous women, girls, and 2SLGBTQQIA+ people:

- Apply a Daniels lens in the implementation of the 231 Calls for Justice.
- Adopt barrier-free approaches to programs and services that are status-free.

<sup>30</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. Vol 1a. p. 257.

<sup>31</sup> United Nations Human Rights Council. (2015). *Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya*. 27th Session, United Nations General Assembly, [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A\\_HRC\\_27\\_52\\_Add\\_2\\_ENG.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A_HRC_27_52_Add_2_ENG.doc)



- Address deficiencies in funding and other resources relating to the provision of child welfare and wellbeing among non-status Indigenous people.
- Address on and off-reserve inequities in the provision of services.
- Address specific service provision requirements of off-reserve status and non-status urban and rural Indigenous women, girls, and 2SLGBTQQIA+ people.

## 7.4 Intergovernmental Coordination: Addressing Jurisdictional Issues

**Jurisdictional neglect results not only in the failure to properly address important policy issues but also in the failure to uphold and respect human rights through the inconsistent and unregulated manner of services delivered through a patchwork of program delivery, rather than the provision of essential services grounded in rights.<sup>32</sup>**

Gaps in services and the infrastructure remain and have a longstanding impact on safety and wellbeing. The *Final Report of the National Inquiry* calls for addressing the “interjurisdictional neglect”<sup>33</sup> in which groups or individuals might “fall through the cracks” due to a lack of cooperation. Intergovernmental coordination and collaboration is required to achieve meaningful equality and to eliminate those jurisdictional gaps and neglect that deny rights and services to Indigenous women, girls, and 2SLGBTQQIA+ people. This includes permanent and no-barrier funding of health services regardless of jurisdictional lines, residency, and Status.

Throughout the national engagement, CAP families, survivors and communities called for coordination, partnership, and co-development as necessary to close the gaps.

32 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. Vol 1a. p. 499.

33 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. Vol 1a. p. 561.



Shifting from colonial approaches in decision making to meaningful collaboration and cooperation of all partners in decisions is the basis for improving outcomes at the individual and institutional levels. Similarly, mutual understanding and equitable partnership are critical components of an effective co-development approach.

### **What we heard**

CAP's constituents identified the following key responsibilities toward removing the jurisdictional issues that block the safety and wellbeing of Indigenous women, girls, and 2SLGBTQQIA+ people:

- Address jurisdictional barriers to services that disadvantage off-reserve status and non-status Indigenous people.
- True partnerships must be based on a common understanding of goals and objectives and a full respect for Indigenous constitutional, treaty and internationally recognized rights.
- New laws, policies and programs that affect Indigenous people should be developed in consultation and true partnership with all off-reserve status and non-status Indigenous people.
- Consult and negotiate in good faith through representatives of our choice.
- Resolve jurisdictional issues between all levels of government when addressing the health, wellness, and safety of Indigenous women, girls, and 2SLGBTQQIA+ people.

## 7.5 Accountability: Building Trust, Sharing Responsibility

**Human rights instruments ... can offer a tool for accountability and decolonization, if the solutions are placed within the context of the four root causes of violence: intergenerational trauma through colonization, marginalization, lack of institutional will, and the failure to recognize the expertise and capacity of Indigenous women themselves.<sup>34</sup>**

Building trust and a shared responsibility requires the recognition of the right of representation and accountability mechanisms that are based on the inclusion of all Indigenous people and their chosen representative organizations.

An obstacle to building trust and shared responsibility is the need for full reporting on the conditions experienced by urban and rural Indigenous populations. It is well documented that census counts of Indigenous people underestimate urban Indigenous populations two to four times. Moreover, urban Indigenous people are less likely to be counted by census distrust of government due to past and present colonial policies, and migration between geographical locations.<sup>35 36</sup> Because Indigenous people who live in urban, rural, and remote areas are overlooked in counts and in policy, the challenges and discrimination they face are misrepresented and neglected, as are their inherent rights.

The solutions to the violence faced by Indigenous women, girls, and 2SLGBTQQIA+ people must be grounded in the experiences and knowledges of Indigenous peoples. Estimations of demographic and statistical information must be accompanied with make it impossible to accurately estimate Indigenous populations. CAP constituents call for clear and equitable mechanisms of accountability. We need to build a foundation of trust and mutual responsibility.

34 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. Vol 1a. p. 118.

35 Rotonodi, M., P. O'Campo, K. O'Brien, M. Firestone, S. Wolfe, C. Bourgeois, & J. Smylie. (2017). Our Health Counts Toronto: Using Respondent-driven Sampling to Unmask Census Undercounts of an Urban Indigenous Population in Toronto, Canada. *BMJ Open*, 17: 1-8.

36 Thistle, J. (2017). Indigenous Definition of Homelessness in Canada. Canadian Observatory on Homelessness Press, Toronto.

Throughout the national engagement, CAP constituents called for clear and equitable mechanisms of accountability. We need to build a foundation of trust and mutual responsibility.

### **What we heard**

CAP members identified the following key responsibilities for building an accountability framework based on trust and shared responsibility:

- Recognition of rights articulated in UNDRIP must be a critical part of accountability framework.
- Indigenous experts must be engaged to advise on areas such as policy changes, funding, and program development.
- Best practices of accountability must be based on mutual accountability of outcomes.
- Best practices of accountability respect Indigenous ways of knowing and being.
- Accountability measures must include the voices of Indigenous peoples in all approaches to define and measure outcomes.
- Address how the problems were created due to a lack of accountability.
- Accountability mechanisms must consider and address those systemic issues that maintain power and stand in the way of trusting relations.
- Best practices of accountability must be Indigenous led.
- Mechanisms to measure success must include the status and non-status Indigenous women, girls, and 2SLGBTQQIA+ people who live in rural, urban, and remote locations.
- Civilian oversight bodies must be inclusive of Indigenous representation with jurisdiction to oversee human rights cases, audit police, corrections services, and child welfare – ensure Calls for Justice are implemented.

# 8

## Calls for Justice Priorities



**The steps to end and redress this genocide must be no less monumental than the combination of systems and actions that has worked to maintain colonial violence for generations.<sup>37</sup>**

Throughout the process of developing CAP's National Action Plan, it was often stated by survivors and families how it was nearly impossible to prioritize the deeply connected Calls for Justice. All Calls for Justice are urgent.

The CAP priorities reflect the dialogues with members through their Provincial Territorial Organizations where they highlighted specific priorities identified by their members. The priorities identified here are not meant to be prescriptive but are suggestions that CAP PTOs may refer to implement their own plans to address the issue of missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ people. Some of these align with the 231 Calls for Justice. Others respond to gaps in the *Final Report of the National Inquiry* to ensure that implementation is inclusive of all Indigenous women, girls, and 2SLGBTQQIA+ people regardless of status or location. As addressed to all governments, the first Call for Justice 1.1., states "All programs must be no-barrier and must apply regardless of Status or location."<sup>38</sup>

<sup>37</sup> Page 167 Final Report Vol 1b

<sup>38</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. Vol 1b. p. 176.

## 8.1 Rebuilding Cultural Understanding and Identity in Urban, Rural, and Remote Communities

Indigenous women, girls, and 2SLGBTQQIA+ people require safe access to Indigenous cultural knowledge and practices that reflect the realities of who they are and where they live. CAP seeks to rebuild cultural understanding and identity and address the historic denial of access to cultural resources due to location and identity politics that has historically caused harm and a fracturing of identity for Indigenous people.

### Priorities for Culture

Actions	Calls for Justice
Access to safe, no-barrier, permanent culture and languages programs accessible to all Indigenous peoples	2.3
Access to permanent no-barrier funding, resources and all special measures required to implement regionally specific initiatives to preserve and promote Indigenous knowledge and languages	2.4
Accessible permanent empowerment fund for Indigenous-led cultural and languages programs	2.5, 18.9
Revitalize cultural understandings of place of 2SLGBTQQIA+ people in Indigenous cultures	18.1, 18.16, 18.17, 18.19

## 8.2 Health and Wellness

Access to safe health and wellness care is a right. CAP members call for accessible and continuous funding and support for wholistic healing and wellness programs that are delivered in a culturally safe way and are inclusive of the perspective and expertise of Indigenous people. Health and wellness programs must be barrier-free and accessible wherever Indigenous women, girls, and 2SLGBTQQIA+ people are, regardless of status or residency.

### Priorities for Health and Wellness

Actions	Calls for Justice
Revised health policy to provide barrier-free, equitable and consistent access to culturally appropriate health and wellness services in urban, rural, and remote areas	3.1, 3.6, 7.2, 7.3, 7.4, 7.7, 7.8, 18.4, 18.15, 18.18
Re-designed health and wellness services to appropriately respond to provide culturally appropriate health and wellness services	7.1, 7.6, 18.1, 18.28, 18.31
Indigenous-led and community-based trauma informed programs: <ul style="list-style-type: none"> <li>• Center children and families of MMIWG</li> <li>• Provide Elder supports</li> <li>• Include land-based therapies</li> <li>• Traditional medicine teachings</li> <li>• Addresses intergenerational trauma</li> <li>• Include culturally appropriate mental health services and supports</li> </ul>	2.5, 3.2, 3.3, 3.7, 7.1, 7.3, 7.4, 18.18
Continuous and barrier-free accessible preventative wraparound services: <ul style="list-style-type: none"> <li>• Mobile trauma and addictions recovery teams</li> <li>• Prevention programs for Indigenous men and boys</li> <li>• Programming to address issues relating to sex trafficking</li> </ul>	3.3, 7.1, 7.2, 7.3, 7.9, 18.18
Crisis response teams to respond to the immediate needs of families and survivors after a traumatic event with a focus on unresolved intergenerational, multigenerational, and complex trauma	3.5, 3.7, 7.2, 18.27
Transformed child welfare systems to address the needs of children and families who live in urban, rural, and remote areas including: <ul style="list-style-type: none"> <li>• Full implementation of Jordan's Principle</li> <li>• Indigenous specialized units within Child and Youth Advocate offices</li> </ul>	7.4, 18.32

## 8.3 Human Security

The restoration of safety, security, and human dignity requires upholding the social and economic rights of Indigenous women, girls, and 2SLGBTQQIA+ people. This will be achieved by ensuring that services and infrastructure meet their social and economic rights. CAP calls for implementing policy and enforcement mechanisms to address the many social and economic inequities that contribute to violence against Indigenous women, girls, and 2SLGBTQQIA+ people.

### Priorities for Human Security

Actions	Calls for Justice
Increased ability of Indigenous organizations to meet the services and infrastructure needs to address social and economic rights including food security, clean drinking water, and long-term and sustainable funding	4.1, 4.2, 13.5, 18.3, 18.26
A guaranteed livable income that accounts for diverse needs, realities, and geographic location	4.5, 18.25
New and funding for repairs to existing affordable, safe, and secure housing	4.1, 4.6,
Emergency shelter and housing	4.7, 16.19, 18.24, 18.25
Increased post-secondary education and training programs funding, opportunities, and program support	4.4, 14.9
Culturally appropriate and sensitive programming for individuals working in the sex industry	4.3
Indigenous-led and Indigenous-informed initiatives to ensure safety of individuals working in the sex industry. Includes legal mechanisms and access to sustainable and long-term funding for programs and services	7.3, 11.2, 18.14
Access to safe, affordable transit and transportation services and infrastructure in rural and remote locations	4.8
Comprehensive and inclusive national database	9.5, 18.4
Prevention programs for Indigenous women, youth, and 2SLGBTQQIA+	1.8, 7.3, 11.2,
Government policy to ensure that all Indigenous women equitably benefit from the projects done by resource-extraction and development industries	13.1
Human security initiatives and policies that address the safety and security of Indigenous women, girls, and 2SLGBTQQIA+ people during all phases of extractive industry project implementation	13.2, 13.3, 13.4
Opportunities for youth engagement on prevention, policy development, and focused prevention programs	7.3, 11.2, 18.31



## 8.4 Justice

The safety and security of Indigenous women, girls, and 2SLGBTQQIA+ people requires fair and equitable access to justice. The goal of a transformed country where Indigenous people are safe and trust they can expect fair and safe treatment under the law, requires fundamental changes to the Canadian justice system, including laws, policing, and corrections. These changes must be inclusion of Indigenous worldviews and concepts of justice.

### Priorities for Justice

Actions	Calls for Justice
All previous recommendations implemented in relation to the Canadian justice system and Correctional Services Canada	5.1, 14.1, 14.2
Amended Criminal Code and justice policies, justice and policing practices, and procedures	5.2, 5.3, 5.4, 9.2, 14.5
Enhanced, holistic, and comprehensive approach for the provision of support to Indigenous victims of crime and families and friends of missing or murdered persons including: <ul style="list-style-type: none"> <li>Financial support for victims of crime and traumatic incidents</li> <li>Culturally appropriate victim services and trauma care</li> <li>Legislated paid leave and disability benefits for victims of crime</li> <li>Independent legal services for victims of violence and their families</li> <li>Expanded restorative justice programs and Indigenous Peoples' courts</li> </ul>	5.6, 5.17, 9.4, 18.18
Accessble, meaningful, culturally appropriate, and inclusive justice practices including police, laws, justice employees	5.11, 9.3, 9.7, 10.1, 18.22
Full evaluation of impacts of Gladue principles at it relates to violence against Indigenous women, girls, and 2SLGBTQQIA+ people	5.17
Respectful relationships through cultural and sensitivity training for police	9.2, 9.3, 10.1
Anti-racism, anti-sexism, anti-homophobia, and anti-transphobia police education regarding Indigenous people and their experiences to address discrimination and improve investigation into crimes and handling of cases	18.12, 18.13
Investigations into unsolved cases that involves representation from all Indigenous organizations	9.5, 9.9, 9.10
Indigenous civilian oversight body to observe and advise investigations into police conduct	5.4, 5.7, 9.6, 9.8, 9.11, 18.12



## 8.5 Promoting Dialogue

All Canadians have a responsibility to act on the issue of violence against Indigenous women, girls, and 2SLGBTQQIA people. This includes examining attitudes and behaviours, challenging negative portrayals of Indigenous people, and leading responsible change in the lives of Indigenous women, girls, and 2SLGBTQQIA people, their families, and communities.

### Priorities for Promoting Dialogue

Actions	Calls for Justice
Public education anti-racism and anti-sexism programs to promote awareness about missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ people, and about the issues and root causes of violence	2.5, 2.6, 2.7, 11.1, 11.2, 15.2, 15.3, 15.6
Awareness campaigns that ensures authentic representations of Indigenous women, girls, and 2SLGBTQQIA+, the dismantling of harmful stereotypes, more Indigenous peoples working within the entertainment industry through training and scholarship opportunities	15.2
Data collection measures to ensure accurate and comprehensive that is reflective of diversity and inclusion	9.5, 18.3, 18.4
Government action and accountability on the Calls for Justice and to implement them according to the important principles set out in CAP's National Action Plan	1.2, 1.10, 15.8
Training and workshops to Canadians and Canadian institutions to improve their understanding of Indigenous people, histories, and relationship with Canada	1.8, 11.1, 11.2,



## Next Steps

Through a National Engagement Process, the Congress of Aboriginal Peoples identified the following next steps that must be addressed to effectively move forward on the National Action Plan. They are informed by the 231 Calls for Justice and provide a national agenda for CAP.

CAP heard at every engagement that the root cause of missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ people requires substantial and transformative change. CAP also heard that urgent action to improve outcomes is needed now and requires engagement with systems to see what investments can be made in the short-term and what long-term measures are needed to address inequalities.

### Rights

- Honour the human rights approach and decolonized lens of the *Final Report of the National Inquiry* to address the fundamental issue of identity to ensure that no one is left behind as the Calls for Justice are implemented, and resources and services are directed.
- Seek legislative and policy change that blocks access to the full implementation of CAP's MMIWG2S+ National Action Plan.
- Reaffirm the application of a Daniels lens to all governmental MMIWG2S+ programs and services.
- Ensure a sensitivity is maintained throughout the implementation phase regarding the rights, realities and requirements of the non-status, rural and urban Indigenous populations.
- Address the divisive and exclusionary use of distinctions-based approaches to rights, programs, and services.

## Resourcing

- Identify sources of permanent and equitable funding to support the implementation of CAP's MMIWG2S+ National Action Plan.
- Advocate for access to safe, no barrier program and services for off-reserve status and non-status Indigenous women, girls, and 2SLGBTQQIA+ people.
- Seek resourcing to support the development and implementation of CAP-specific data collection infrastructure to measure the impact of initiatives to eliminate the inequities that contribute to systemic discrimination and gender-based violence against Indigenous women, girls, and 2SLGBTQQIA+ people.

## Accountability

- Monitor the progress made on the National Action Plan through a Daniels lens.
- Support creation of inclusive MMIWG databases.
- Develop a CAP-specific methodology for collecting information and data to measure the impact of MMIWG2S+ programs and services to ensure relevant information is collected, gaps in data collection are identified and rectified, progress is tracked, and evidence-based actions are taken.

## Capacity

- Support the implementation plans and strategies of CAP affiliates that are specific to their needs and priorities.
- Support the engagement of the CAP National Youth Council on MMIWG and violence prevention including trafficking.

## Inter-governmental coordination

- Seek resolution of the barriers to uphold the rights of non-status as presented in the Supreme Court of Canada decision in *Daniels v Canada*, 2016.
- Seek a rapid resolution of jurisdictional issues between governments that have left the vast majority of Indigenous women, girls, and 2SLGBTQQIA+ people without access to adequate services and erased their visibility from policy.

## Co-implementation

- Ensure CAP's presence in all strategies and initiatives relevant to the implementation of the National Action Plan.
- Participate in relevant MMIWG decision making tables and take up opportunities for presentations to Parliamentary committees.
- Establish diverse and cross-jurisdictional partnerships to implement the 231 Calls for Justice.

## Raising Awareness

- Increase public awareness of MMIWG and safety and security issues for off-reserve status and non-status Indigenous women, girls, and 2SLGBTQQIA+ people.
- Seek federal governments assistance to ensure CAP's inclusion at the table in reforming Canadian institutions such as policing, media, educational institutions, child welfare, extractive industry consultation and development, correctional services, etc., when involving issues relating to MMIWG2S+.

# 10

## Accountability Framework



**1.10 — We call upon the federal government to create an independent mechanism to report on the implementation of the National Inquiry's Calls for Justice to Parliament, annually.<sup>39</sup>**


The Congress of Aboriginal Peoples will work with governments to create an accountability framework to help ensure appropriate means of monitoring, measuring, and reporting are in place. CAP will work to ensure that the interests of CAP's constituents are represented in all accountability mechanisms designed to measure progress on the CAP identified priorities and the 231 Calls for Justice.

These mechanisms must be independent and accountable to all Indigenous people, including survivors, families, and communities – regardless of status or residency. They must be built upon trust, partnership, and a shared agenda and:

- provide evidence-based decision-making by gathering data on success and challenges
- clarify how information will be collected and the timelines
- establish a basis for objective assessment of progress
- help determine whether initiatives are achieving their intended outcome.
- identify what needs to be done
- provide reliable and timely information about decisions and actions that is accessible

CAP calls for all governments to provide timely and requested progress reports and reporting annually to the public through the Parliament and various Provincial and Territorial Legislatures.

<sup>39</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place*. Vol 1b. p. 178.



Data and information are key for accountability, and accountability is key for building trust between governments and Indigenous people. CAP is committed to working in partnership to develop data collection mechanisms that will ensure relevant information is collected, gaps in data collection are identified and rectified, progress is tracked, and actions are taken. See Appendix 5 for the CAP framework on data collection and what we consider to be CAP's data collection issues.



# Appendix 1



## Glossary of Terms

**2SLGBTQQIA+** refers to Two Spirit, Lesbian, Gay, Bisexual, Trans, Queer, Questioning, Intersexual, Asexual plus those aspects of identity not included in the acronym. 2S helps us to remember that 2S have existed long before other understandings came through colonization.

**Aboriginal:** is used when referring to the Canadian legal framework.

**Accessibility** means *universal access* to ensure that all Indigenous women, girls, and 2SLGBTQQIA+ people, regardless of status or location will have quality and culturally sensitive programs and services.

**CAP** refers to the Congress of Aboriginal Peoples

**CAP's Constituency** refers to those Indigenous persons who have chosen CAP as their representative body.

**Community** is expanded to include the Indigenous urban, rural, and remote living multigenerational communities that are not legally defined reserves.

**Community-based** is used similarly as the term community when referring to communities that are not legally defined reserves.

**Daniels** refers to the 2016 Supreme Court of Canada (SCC) decision known as *Daniels v. Canada* wherein the SCC confirmed that Métis and non-status Indians are Indians under section 91(24) of the Constitution Act, 1982.

**Political Accord** is in reference to 2018, following the Daniels decision, wherein the Federal Government entered into a renewed political accord with CAP, entitled the Canada-Congress of Aboriginal Peoples Political Accord. Through the Accord the Federal government recognized CAP's mandate as a national voice for off-reserve Status and Non-Status Indians, Southern Inuit, and Métis peoples.





**Distinctions** and distinctions-based approaches refer to the politicization of the differences among Indigenous peoples resulting in a discriminatory application by Canadian governments to Indigenous policy-making that is not inclusive but instead excludes CAP from negotiations and consultations and denies their rights and interests. The arbitrary and harsh application of distinctions between and among Indigenous people contradicts the finding of the SCC in Daniels that the federal government has jurisdiction over Métis and non-status peoples, and “it is the federal government to whom they can turn.”

**Indian** refers in a similar way to the term Aboriginal it is used when referring to the Canadian legal framework.

**Indigenous** refers to all peoples and communities who are descendants of the pre-colonial inhabitants of Canada and who have maintained the culture, beliefs, and practices of the First Peoples, including the state-defined categories of Status Indians, First Nations, Métis, and Inuit, non-status Indians, and Southern Inuit. Indigenous is more inclusive term and is increasingly preferred.

**Indigenous Representative Organizations** (IRO) refers to the five national recognized organizations of which one is the Congress of Aboriginal Peoples.

**Location** refers to all places where Indigenous women, girls, and 2SLGBTQQIA+ people work and reside including correctional institutions.

**PTO** refers to CAP's 10 affiliated provincial territorial organizations.

**SCC** refers to the Supreme Court of Canada.

**Substantive equality** refers to the achievement of true equality in outcomes. It relates to outcomes that seek to acknowledge and overcome the barriers that have led to the inequality in the first place.

**UNDRIP** refers to United Nations Declaration on the Rights of Indigenous Peoples.

**Universal access** is defined as all Indigenous women, girls, and 2SLGBTQQIA+ people regardless of status or residency.



## Appendix 2



### CAP's National Engagement

To ensure the voices of the off-reserve status and non-status Indigenous, Métis, and Southern Inuit are included in all MMIWG National Action Plans, CAP reached out to each of the Provincial Territorial Organizations (PTOs). The CAP MMIWG Sub working Group worked closely with the PTOs, their Elders, Youth, and Knowledge Keepers to hear their stories, identify the priorities of survivors and families, and receive their input as we developed CAP's National Action Plan.

### Methodology

The focus and priorities of CAP's National Action Plan were determined using the following processes:

- 1) CAP held an MMIWG Summit in January 2020;
- 2) PTO Engagement Sessions throughout 2020 and 2021;
- 3) Analysis of the reports of the 2020 Summit and PTO Engagement Sessions;
- 4) Presentation of draft sections of CAP National Action Plan at PTO MMIWG Events.



## 2020 Summit

With support from Crown Indigenous Relations and Northern Affairs Canada (CIRNAC), CAP held a two-day MMIWG Summit in January 2020.<sup>40</sup> The Summit brought together survivors, families, Elders, Knowledge Keepers, and Youth from CAP's PTOs across Canada to discuss the 231 Calls for Justice. All ten of CAP's PTOs invited five of their members including Elders, Youth, and the Executive. For all in attendance, the *Final Report of the National Inquiry* was felt very personally and deeply impacted them.

The purpose of the two-day 2020 Summit was to provide an opportunity for Indigenous survivors and families to speak to the findings of the *Final Report of the National Inquiry*, identify priorities for the Government of Canada's National Action Plan, and clarify the role of CAP in implementing the 231 Calls for Justice. Those who gathered at the 2020 Summit often spoke of the difficulty of prioritizing the Calls for Justice. Still, there were Calls for Justice of more immediate concern. These included the Calls for Justice regarding Culture, Health and Wellness, Human Security, Justice, 2SLGBTQQIA+ people, and Child Welfare. Summit participants also highlighted the interconnectedness of all the Calls for Justice.

Many of the findings of the CAP 2020 Summit resonated with the *Final Report of the National Inquiry*, particularly rights, obligations, and accountability. However, participants also drew attention to the issues that were missing in the Calls for Justice that have value and significance for MMIWG priorities.

- They identified the need to address sensitive and highly political issues surrounding *identity* to ensure that no Indigenous woman, girl, or 2SLGBTQQIA+ individual is excluded from needed programs and services.
- They highlighted the use of exclusionary language within the *Final Report of the National Inquiry*, specifically, the use of *distinctions-based approaches* without clearly articulating the meaning and how it impacts Indigenous people. The underlying intent is the acknowledgment of three federally recognized Indigenous groups in Canada: First Nations, Métis, and Inuit.

CAP has been critical of a distinctions-based approach that has been used by Canadian governments to engage only three national Indigenous organizations in their consultation and decision-making processes. As a result, federal funding for

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<sup>40</sup> The report on the 2020 MMIWG SUMMIT: SUMMARY OF FINDINGS can be found at: <http://www.abo-peoples.org/en/mmiwg/>

programs and services has been divided along similar political lines excluding the voices, needs, and perspectives of many Indigenous people who live in rural, urban, and remote areas. CAP is concerned that with such an approach that the majority of Indigenous women, girls, and 2SLGBTQQIA+ people will continue to be excluded from the programs and services they require. These concerns are reflected within the following themes.

CAP is committed to all 231 Calls for Justice through action and policy change. As eloquently stated by one of 2020 Summit participants, *"our children are looking to us to bridge the divides, look past our differences, master our fears and find a common humanity"*. Due to the short timeframe of the summit, it was evident that it was of great importance to the CAP membership that this discussion was not the only opportunity for input into the strategy design.

## MMIWG CAP / PTO Engagement Sessions

At the same time as the 2020 Summit CAP's Provincial Territorial Organizations (PTOs) also held MMIWG community engagement sessions in their respective jurisdictions. The purpose of the PTO MMIWG sessions was to provide an opportunity for all survivors and families to have a voice, provide their suggestions for the Government of Canada's National Action Plan, set priorities, and identify CAP's and their PTO's roles in the implementation phase. Reports were produced at each individual PTO and provided to CAP for analysis and inclusion in both the Government of Canada's and CAP's National Action Plan. CAP continued community engagement sessions throughout the development of CAP's National Action Plan.

Throughout 2021 CAP held MMIWG events with PTOs and the National Youth Council. The purpose of these events was to give in members an opportunity to review and comment on draft sections and priorities of CAP's National Action Plan. These sessions were highly informative and beneficial in the development of a national action plan that affirms many of the 231 Calls for Action, addresses gaps relating to the needs and priorities of CAP's constituents, and provides sensitive and representative recommendations to ensure the inclusion of voices and perspectives of the off-reserve status and non-status Indigenous, Métis, and Southern Inuit.



## Appendix 3



### Congress of Aboriginal Peoples Data Needs and Perspectives

Indigenous people's identity is central to how they think about and express sovereignty. It forms how Indigenous people live in relation to one another and how they think about the outcomes of their decisions. It is tied to commitments and connections to one another. For too long, non-Indigenous methods of identifying, misidentifying, and not identifying Indigenous individuals as Indigenous people has reinforced exclusions and led to more harm. CAP recognizes that further work is needed to implement Indigenous data sovereignty and governance principals. In the meantime, the Congress of Aboriginal Peoples is committed to working with partners to ensure appropriate means of collecting meaningful and culturally relevant information to monitor, measure, and report progress are in place. CAP and CAP affiliated PTOs accept the responsibility to monitor their own processes, progress, strategies, and approaches to create and achieve change and better outcomes for Indigenous women, girls, and 2SLGBTQQIA+ people. Through this framework CAP constituents will tell their stories and ensure the collection of relevant data and information to support their efforts.

CAP is committed to a decolonized approach to data collection that does not replicate colonialism through exclusion, but centers Indigenous women's, girls', and 2SLGBTQQIA+ people's priorities, regardless of status or residency. The CAP approach to data and the collection of information is based on the following principles and requirements.

## Data sovereignty

Data sovereignty is connected to the right of Indigenous people to authority over the management, preservation, control, and protection of their own knowledge. It is connected to the rights and responsibilities concerning the use of community-held knowledges. In the words of a CAP Elder "our knowledge is our intellectual property". For Indigenous organizations to collect accurate, inclusive, far-reaching, and impactful data requires capacity building, funding, and resources. CAP envisions the creation of data governance and data sharing agreements that align with its authority to manage its own data and data needs.

## Build Indigenous data infrastructure

Data infrastructure has been found insufficient with respect to Indigenous identification and creates concerns about under counting and therefore underestimating inequities. This lack of Indigenous identification creates gaps and inconsistencies in data. CAP recommends that Indigenous people's ways of identifying should be made the norm and that safety protocols be developed for Indigenous people to self-identify. With sufficient resource capacity to build data infrastructure, Indigenous organizations such as CAP can help to ensure that information is reliable, policy and practice relevant, and that programming is based on evidence in a timely and sensitive manner. This will have the added effect of providing experts with tangible skill assets and empowers and centres community members as the leaders and expertise carriers.

## Acknowledge intersectionality and complex identities

Indigenous people are simultaneously members of more than one identity group based on gender, sex, ancestry, age, ability, language, socioeconomic, residence, "status", family, geographic location, etc. These complex identities are the result of many factors (such as personal truths, family connections, and colonial policy). Recognizing the diversity of Indigenous people and the families and communities in which they live increases the effectiveness of data and matches data with the goals of communities. Acknowledgement of the intersections between identity factors may also help to improve understandings of how racism and sexism currently play a role in contemporary data collection processes. A way forward is research partnerships with Indigenous organizations like CAP who are connected to their constituent communities.



## Resolve jurisdictional issues and increase data quality

Governments have failed to resolve jurisdictional disputes. Moreover, status- and residency-based exclusions that have created a “jurisdictional wasteland”<sup>41</sup> with huge gaps and inconsistencies and little accountability. One of the gaps created by Indigenous data exclusion is that it allows for underfunding of essential services, even though the lack of services is felt by Indigenous communities.<sup>42</sup> A related gap relates to responsibility and accountability to Indigenous populations for achieving improved outcomes and service delivery. CAP plays an important role if positive change is to occur for Indigenous women, girls, and 2SLGBTQQIA+ people who live off-reserve – who may or may not be registered and who have the right to be counted; from identifying outcomes to effecting legislative change to developing and implementing standards and accountability frameworks toward resolving the jurisdictional issue.

## Disaggregated data

A related issue is the need for disaggregated data that better reflects where Indigenous women, girls, and 2SLGBTQQIA+ people reside, how many Indigenous women, girls, and 2SLGBTQQIA+ people there are, and how they are doing in relation to fulfilling the goals set forth by the National Inquiry Calls for Justice. Grassroots Indigenous organizations such as CAP are connected to the growing off-reserve populations that enables us to communicate and implement Indigenous sensitive decisions and programs and identify what indicators should be used to measure the success of the goals of the National Inquiry.

## Track inequities and contextualize Indigenous identifiers

The racial misclassification of data has resulted in the invisibility of Indigenous women, girls, and 2SLGBTQQIA+ people. If Indigenous people are not identified, the data is flawed, inequities rooted in sexism, racism, colonialism, and genocide are missed, and the specific issues relating to Indigenous women, girls, and 2SLGBTQQIA+ people are left unaddressed. These inequities are not highlighted in present data collections creating difficulties for Indigenous organizations who know what is needed

41 Daniels SCC at para 14.

42 Metallic, N.W., Friedland, H., Craft, A., Morales, S., and Hewitt, J. (2019). *An Act respecting First Nations, Inuit, and Métis Children, Youth and Families Does Bill C-92 Make the Grade?* Yellowhead Institute. Online: <https://yellowheadinstitute.org/wp-content/uploads/2019/03/bill-c-92-part-5-data-collection.pdf>



but are unable to support service and programming decisions. Nor is current data contextualized to expose disparities and explain systemic issues and the source of the issues<sup>43</sup>. Indigenous organizations that are fully and centrally involved in data decision-making can strengthen data integrity and assist in revamping information systems and data collection methods to include measures that address inequities. CAP seeks the inclusion within data initiatives of those Indigenous people who have been and who are currently systematically excluded according to residence or groupings within the Indian Act.

## Support Indigenous methods of collecting information


Indigenous methods of collecting information such as engaging with communities, and the use of methodologies like observation, sharing circles, oral histories and traditional storytelling are connected to Indigenous values and that may not be reduced to statistics. Such approaches can strengthen data gathering capacities and help to address community concerns, provide data to inform policy and community planning in a meaningful way, and enable communities to fully participate in multiple levels of decision making. Moving forward CAP recommends Indigenous methods for collecting information and developing data indicators that are aligned with Indigenous people's perspectives and are useful to the individuals and populations whose data is being gathered.

## Adopt strengths-based approaches

While deficit-based indicators help to track improvements to resolve social inequities, they tend to report on disparities that contribute to harmful stereotyping and marginalization. Strengths-based approaches that contextualize data help to create space where Indigenous women, girls, and 2SLGBTQQIA+ people can share their experiences, successes, and recommendations for fair and equitable access. Strengths-based approaches can create space where inequities and systemic issues can be identified and help to broaden understandings of critical concepts of violence. Rooted in community, Indigenous organizations such as CAP that are broad with regional affiliates are able to contextualize data and bring forward Indigenous women's, girls, and 2SLGBTQQIA+ people's stories of strength and resiliency. Our organizations are able to develop our own data gathering research and strength-based approaches. We

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43 Wuttannee, R. (2019). Indigenous Equity Data: Substance Use, Mental Health, and Wellness. Report prepared for Social and Policy Projects, City of Vancouver. Online: [https://sustain.ubc.ca/sites/default/files/2019-67-Indigenous%20Equity%20Data%20Substance%20Use\\_Wuttannee.pdf](https://sustain.ubc.ca/sites/default/files/2019-67-Indigenous%20Equity%20Data%20Substance%20Use_Wuttannee.pdf)



are able to ask research questions that highlight experiences including the gathering of stories specific to our perspectives on violence and develop meaningful pathways to safety and healing through stories, songs, traditions, histories etc., with tools to measure successes that are useful and connected to our communities.

## Build trust and capacity

Canada has a legacy of harmful use of data by colonial governments. Examples of the effect of the misuse of data against Indigenous women, their families and their communities are registries, the residential school system, and the 60's scoop. This history has contributed to a mistrust among Indigenous people with how data will be used and the withdrawal of Indigenous people from sharing personal information and from data collection systems. Trust and accountability in why and how information is collected, held, accessed, and used requires building the data and information governance capacity of Indigenous-led organizations that are respected by local Indigenous people and responsive to their needs and aspirations. There is much work to be done and with appropriate resources, the Congress of Aboriginal Peoples can help provide a way forward.







