



Breathing Life into the Calls for Justice

An Action Plan to End
Violence Against First
Nations Women, Girls, and
2SLGBTQQIA+ People



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This work is dedicated to Survivors and Families

She was my grandmother.

She was my mother.

She was my sister.

She was my auntie.

She was my best friend.

They were a valued member of our community.

They were a gift to our people.

They were cherished.

They were loved.

He always listened to me.

He always protected me.

He always supported me.

He always made me feel safe.

We never had answers.

We never felt closure.

We deserve justice.

We need action.



Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People

AFN Women's Council Statement

It has been 2 years since the release of *Reclaiming Power and Place: The National Inquiry into Missing and Murdered Indigenous, Women and Girls' Final Report*. This seminal report contained 231 Calls for Justice to end the national tragedy of Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ (2-Spirit [Two-Spirit], lesbian, gay, bisexual, trans, queer, questioning, intersex, asexual, and '+' indicating diversity of remaining identities not listed) people. Primary among all the Calls for Justice is the creation of a National Action Plan to End Violence Against Indigenous Women Girls, and 2SLGBTQQIA+ people (National Action Plan).

As part of its contribution to the development of the National Action Plan the Assembly of First Nations (AFN) has developed a First Nations-led National Action Plan report to end violence against First Nations women, girls and 2SLGBTQQIA+ people. This framework report is written with direct input from the survivors and families who for many years, tirelessly advocated for action to be taken to address Missing and Murdered First Nations Women, Girls, and 2SLGBTQQIA+.

We are truly grateful to all of the First Nations survivors of gender-based violence and family members of missing or murdered loved ones who shared their perspectives during the AFN's regional engagement process. We also appreciate the contributions and guidance from the regional grassroots organizations, family and survivors coalitions, Family Information Liaison Units, and AFN Regional Offices who supported this important work.

The Chiefs-in-Assembly mandated the AFN Women's Council to design and carryout an engagement process which incorporates a trauma-informed and families first approach that is inclusive and supportive of survivors and family members. The regional engagement process undertaken by the AFN, focuses on developing priority action items for implementation of the 231 Calls for Justice in each AFN Region.

We recognize in developing this report that the epidemic of missing and murdered First Nations women, girls and 2SLGBTQQIA+ people in Canada is a complex issue with multiple root causes. The First Nations National Framework report outlines the immediate areas that need to be addressed by all levels of government, regardless of jurisdiction.

Supporting families and survivors with community-based, wrap-around support services to immediately respond to families and survivors in crisis paramount. Support for families must be multi-dimensional and mutigenerational to address the impacts on the children who are left behind when a parent is missing or has been murdered.



Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People

Support and resources for community-based prevention services targeted to at-risk populations is also urgently needed. Existing prevention programs and services need to be modified and expanded to offer more culturally based programming to combat colonial impacts from past government policies.

As a first step to collective healing, there must be an understanding of the history and impacts of colonial structures and policies that are persistent in Canada and that contribute the high levels of violence. Canada's discriminatory and often racist laws and policies have laid a foundation for the violence experienced by First Nations women, girls and 2SLGBTQQIA+ people. The work involved in healing our nation(s) must include men and boys and be guided by the wisdom of our grandmothers. Investments in culturally appropriate and land-based programming will help to re-establish traditional roles within First Nations and help to chart a new path forward.

The hosting of regional engagement sessions and the creation of this framework report is a starting point. We recognize that there is still work to be done. Following the conclusion of all regional engagement sessions, this report will be expanded upon to include the specific regional action plans and priority reports. We know that survivors and families cannot wait any longer for meaningful action to be taken by all levels of government. It is our hope that this report will help to be a catalyst for action and eventually real change.



Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

Contents

Introduction.....	1
Background	1
Framework on Supporting Survivors and Families	4
Framework on Prevention Services	6
Framework for Healing Ourselves and Our First Nations.....	8
National Action for Justice.....	10
National Action for Human Security	14
National Action for Health and Wellness	16
National Action for Culture as Safety.....	18
Implementation	21
Accountability.....	24
Conclusion	24
Appendices.....	25

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

Introduction

The Assembly of First Nations (AFN) is the national representative body of 634 First Nations and First Nations citizens across Canada, regardless of where they reside. First Nations have their own histories, languages, and relationships with Canada. These relationships are founded upon inherent self-governing authority, historic peace and friendship treaties, the numbered treaties, modern treaties, self-government agreements, and other arrangements.

The AFN is comprised of several main organs including the Women's Council. The AFN Women's Council works with the AFN Secretariat to ensure that the concerns and perspectives of First Nations women inform the work of the AFN. The AFN Women's Council's purpose is to unify and create healthy, happy, and harmonious nations through cultural identity and cultural teachings based on respect, love, courage, wisdom, honesty, humility, and truth. The AFN Women's Council is also meant to establish a gender-balanced perspective within First Nations, and within all entities dealing with First Nations, that honours the rights and aspirations of First Nations women.

The AFN Women's Council includes representation of one member from each of the ten AFN Regions, including British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec and Labrador, Nova Scotia and Newfoundland, New Brunswick and Prince Edward Island, Northwest Territories, and the Yukon Territory.

The AFN leadership, in conjunction with the Women's Council, has provided increased awareness and communication on many issues involving violence against Indigenous women and missing and murdered Indigenous women and girls. This report is a starting point to act on the 231 Calls for Justice identified by the National Inquiry into Missing and Murdered Indigenous Women and Girls and is meant to be an "evergreen" First Nations-led national framework.

Background

The AFN believes there is an urgent need for the development of a First Nations-led National Action Plan to address violence against First Nations women, girls, and 2SLGBTQIA+ people. In June 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry) released its Final Report entitled *Reclaiming Power and Place*. The Final Report explores the many intersectional issues which contribute to the national tragedy of missing and murdered Indigenous women, girls and 2SLGBTQIA+ people. The Final Report also contains four overarching findings relating to rights recognition: culture as safety, health and wellness, human security, and justice. The Final Report's *231 Calls for Justice* include recommendations to governments, institutions, industries, service providers, partners, and to all Canadians.

The work of the AFN to develop this report is guided by resolutions adopted by Chiefs-in-Assembly. In July 2019, Chiefs-in-Assembly adopted Resolution 67/2019 - *Development and Implementation of a National Action Plan on Violence Against Indigenous Women, Girls and 2SLGBTQIA*. Resolution 67/2019 directs the AFN Women's Council to, among other things, co-ordinate its own engagement with First Nations on a National Action Plan and to

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

develop a First Nations women-led National Action Plan with input from the regions and First Nations survivors, families, and grassroots family coalitions. The AFN firmly believes that the process for development and implementation of any National Action Plan must not be dictated by governments alone.

The AFN Women's Council has developed and continues to undertake a regional engagement strategy to provide an avenue for First Nations families and survivors to voice their perspectives and provide input on developing this report. Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) led a parallel process in establishing a Core Working Group to generate a National Action Plan, which links to this report in a complimentary way.

Due to the COVID-19 pandemic, regional engagement efforts were limited to remote or virtual outreach measures. There will be a need to continue dialogue as part of the regional engagement strategy to expand upon the immediate needs outlined in this report to also include medium-term and long-term priority areas to help inform both the implementation process and advocacy work for AFN going forward. This additional work will be informed by all the regional engagement reports from the ten AFN Regions that will be added as an appendix to this framework report.

GENOCIDE

The National Inquiry's *Supplementary Report on Genocide* found that the genocide perpetuated against First Nations is a composite act, meaning it is not limited to a single event. The cumulative effects of many discrete actions by the Government of Canada over time, such as land dispossession, neglect, starvation, removal of children to Indian Residential Schools, and the forced sterilization of First Nations women – is considered genocide. Colonial structures and policies are persistent in Canada constitute a root cause of violence experienced by First Nation women, girls, and 2SLGBTQIA+ people. The Commissioners found that:

*"It is time to call it as it is: Canada's past and current colonial policies, actions and inactions towards Indigenous Peoples is **genocide**. And **genocide**, as per law binding on Canada, demands accountability."*²

All governments must formally acknowledge this undeniable truth and stop the ongoing campaign of genocide against First Nations people. As the National Inquiry's report states, Canada must ensure that the rights to health and wellness, human security, justice, culture and equality of First Nations people are recognized, upheld, and protected on an equitable basis.

¹ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1(b) (3 June 2019) <https://www.mmiwg-ffada.ca/final-report/> at 171.

² National Inquiry into Missing and Murdered Indigenous Women and Girls, *Supplementary Report - A Legal Analysis of Genocide*, (3 June 2019) https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report_Genocide.pdf at 27.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Reclaiming Power and Place found that the solutions to ending the violence against First Nations women, girls and 2SLGBTQIA people must be led by First Nations and that these solutions must be based upon self-determination and self-governance as defined by the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration)¹. Articles 7(1) (2) and 22(2) of the UN Declaration, specifically recognize the duty of States to take measures, in conjunction with Indigenous Peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

Supporting Survivors and Families

"We have to find ways to uplift the families and survivors in our communities."

The AFN has heard directly from First Nations families and survivors about the tremendous shock, grief, and mental anguish they deal with after experiencing violence or after a loved one goes missing or is murdered. They described the anger and frustration they feel while having to navigate a legal system which is discriminatory, biased, and lacking any real supports for individuals and families in crisis.

This framework is provided to guide the development and implementation of strategies that should be developed by all levels of government to support First Nations survivors and families when they need it most.

"WRAP-AROUND" SERVICES FOR SURVIVORS AND FAMILIES

There is an urgent need for "wrap-around" services for families and survivors. Some examples of services needed include easily accessible toolkits or information materials on what immediate actions to take when experiencing violence or when a loved one goes missing or is murdered.

Families and survivors also require mental health and grief supports as well as information and advice on police procedures and the legal system. Families and survivors need advocacy supports to not only help them maneuver the legal system, but to also advocate on their behalf to the police, crown attorneys, and child welfare agencies. They require support and information on police procedures and an advocacy or oversight body that will ensure that they regularly receive timely updates regarding their cases or their loved one's investigations.

Families and survivors in crisis also require financial supports to help bridge the gap and allow them to focus on their own grief and healing or to dedicate their time searching for their loved ones. Finally, families and survivors need culturally appropriate, culturally safe, and land-based, mental health and healing supports. Not just access to cultural supports during the time of crisis, but also aftercare and follow-up in the long term.

NATIONAL INVESTIGATIVE TASKFORCE

In 2017, the Committee on the Elimination of Racial Discrimination (CERD) discussed in its periodic report of Canada the growing concern regarding the alarming rates of missing and murdered Indigenous women and girls and recommended that Canada establish an independent review mechanism for unsolved cases of missing and murdered indigenous women and girls where there is evidence of bias or error in the investigation.³

³ *United Nations International Convention on the Elimination of All Forms of Racial Discrimination, Committee on the Elimination of Racial Discrimination (CERD), concluding observations on the combined twenty-first to twenty-third periodic reports of Canada, CERD/C/CAN/CO/21-23, 13 September 2017.*

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People

The AFN recommends that the federal government in partnership with the provincial and territorial governments immediately create and fund a national investigative taskforce to review or reopen cold case investigations involving First Nations women, girls and 2SLGBTQQIA+ people.

NATIONAL INDIGENOUS HUMAN RIGHTS TRIBUNAL AND OMBUDSPERSON

Furthermore, as called for in Call for Justice 1.7, the AFN recommends that federal, provincial and territorial governments, in partnership with First Nations, establish a National Indigenous Human Rights Ombudsperson and National Indigenous Human Rights Tribunal.

NATIONAL PRIORITY ACTION ITEMS: FAMILIES AND SURVIVORS “WRAP-AROUND” SERVICES

The following are action items targeted to help families and survivors navigate the legal system and support their healing and well-being throughout the process of seeking justice:

Action	Calls for Justice
Create toolkits or information kits for survivors and families, with emphasis on what supports and services are available for families in crisis and what to do within the first 72 hours of an incident occurring or a family member going missing.	5.11, 5.13
Increase access to First Nations legal advocates, to help orient survivors and families withing the legal system and to accompany survivors with providing evidence and giving statements.	5.11, 5.13
Financial support for Elders or family members to accompany survivors when providing evidence or giving statements and to families who are searching for a family member who is missing.	5.6, 5.11
Creation of community-based spaces to increase access to justice.	5.6, 5.11
Increased victim support services in remote communities.	5.5, 5.6, 5.11
Increased support services, especially for survivors of family violence, including safe houses, financial aid, transportation, and legal advice.	5.6, 5.11, 5.13
Support for families when dealing with the media and advocacy for trauma informed media practices.	1.9, 6.1

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

Framework for Prevention

“We need to think about the Calls for Justice like building a lodge for all of the people to be safe and walking without shame.”

First Nations women, girls, and 2SLGBTQIA+ people have the right to live free of violence and all forms of discrimination. The safety and well-being of First Nations women, girls, and 2SLGBTQIA+ people is integral to ensuring healthy and prosperous families and nations within Canada. There is no more important role for all governments, including First Nations governments, than protecting its citizens. Equally, there is no more important role for families or communities than keeping each other safe and promoting safety.

Effective solutions must be First Nations-based and First Nations-driven. Prevention initiatives must recognize the diversity among First Nations across Canada as well as the varying impacts MMIWG2S+ has had in the different regions. Special attention needs to be given to the development of responses that reflect these differences. Additionally, the needs and perspectives of women, youth, Elders, urban, northern, and remote populations must also be considered.

FIRST NATIONS MMIWG2S+ PREVENTION STRATEGY

Prevention programs aimed at reducing the number of First Nations women, girls, and 2SLGBTQIA+ people who experience violence have been developed by service providers and governments, including provincial, territorial, federal and First Nations; however no comprehensive and coordinated national response exists for a First Nations led violence prevention strategy for First Nations women, girls and 2SLGBTQIA+ people.

First Nations believe that action must be taken now, and increased efforts need to be made to prevent Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ (MMIWG2S+). Action must promote the safety and security of First Nations women, girls, and 2SLGBTQIA+ people and educate the public regarding this on-going national tragedy.

The implementation of the National Action Plan to end violence against Indigenous women, girls and 2SLGBTQIA+ people provides an opportunity for federal, provincial and territorial governments to come together in partnership with First Nations and representatives from the families and survivors of MMIWG2S+ to act upon coordinated actions and develop First Nations specific prevention programs and solutions. Strong commitments for dedicated and sustainable funding for First Nations is needed to take immediate action to prevent, reduce and eliminate violence against First Nations, women, girls, and 2SLGBTQIA+ people. The development, creation, and implementation of prevention strategies and programs must be led by First Nations and rooted in our nations' unique culture, traditions, customs, and practices.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People

GUIDING PRINCIPLES



A First Nations MMIWG2S+ Prevention Strategy is needed to bring broader attention, education and focus to prevention and immediate solutions, while enabling local flexibility and First Nations decision-making. The foundations for a First Nations MMIWG2S+ Prevention Framework must build upon the following principles:

Rights: First Nations rights are human rights. Acknowledgement that First Nations have the right to determine and develop their own prevention priorities, strategies, and programs and, as much as possible, administer prevention programs in their nations, through their own institutions.

Acknowledgement: Acknowledgment by First Nations leadership of the violence that is perpetuated within our nations, at all levels, and the need to address intergenerational trauma, abuse, and the legacies of colonialism.

Responsibility: Preventing and addressing violence against First Nations women, girls, and 2SLGBTQQIA+ people is a shared responsibility, requiring shared commitments across governments and First Nations.

Culturally Based: Solutions to prevent and end violence against First Nations women, girls, and 2SLGBTQQIA+ people must be community-based and culturally centered with the appropriate support and resources provided directly to First Nations to build capacity.

Healing: Addressing violence against First Nations women, girls, and 2SLGBTQQIA+ people requires healing within First Nations, at all levels, and must include First Nations men and boys. Strategies and programs for healing must include and be guided by the wisdom and knowledge of our Elders, and specifically grandmothers.

Sustainability: First Nations prevention programs and education on MMWIG2S+ must be prioritized, be sustainable and equitably resourced.

Change: Addressing and preventing violence against First Nations women, girls, and 2SLGBTQQIA+ people requires a shift in societal attitudes and behaviours, within individuals, institutions, organizations, and governments. First Nations men and boys, who are also key drivers for change.

Accountability: Accountability is paramount to the continued progress in addressing violence against First Nations women, girls, and 2SLGBTQQIA+ people. First Nations specific accountability mechanisms are needed, as well as forums for sharing information on effective collaboration efforts both within and across First Nations and other jurisdictions.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People

Framework for Healing Ourselves and Our First Nations

"When we are all built up together it makes our communities stronger."

Throughout our regional engagements, the AFN has heard about the various types of services and programs families and survivors need to begin their own healing journeys. Overcoming violence against First Nations women, girls, and 2SLGBTQQIA+ people is an ongoing process that requires continual support and resources at the individual and nation level.

Additionally we heard about the need to acknowledge gendered violence within First Nations as a vital component to healing. Action and moving forward means that First Nations men must address their own intergenerational trauma and abuses which have caused or contributed to a cycle of further gendered violence against First Nations women, girls, and 2SLGBTQQIA+ people. Accordingly, First Nations men and boys have a role to play in the National Action Plan. Not only because they are family members of First Nations women, girls, and 2SLGBTQQIA+ people who have been murdered or gone missing, but because First Nations men and boys must also acknowledge and address their own attitudes and behaviors, that perpetuate gendered violence within our nations.

FUNDING FOR FIRST NATIONS HEALING CENTRES, SHELTERS, AND SAFE SPACES

For survivors, receiving support from family members is often the first step towards healing because family often offer a unique sense of stability. When an individual gains stability in their life, it provides additional capacity to seek other forms of support. However, we also acknowledge that sometimes family members are unable to provide support for various reasons. Reclaiming Power and Place notes that those who are like family (aka Families of the Heart) can provide such support.⁴

These relations are best fostered in safe spaces such as First Nations women's centers, healing centers, shelters, transitional housing, treatment facilities, or other safe spaces. This is especially the case for 2SLGBTQQIA+ people. It is therefore imperative that the federal government commit to providing sufficient, stable, equitable, and ongoing funding for First Nations women's centers, shelters, treatment facilities, and other safe spaces for First Nations women, girls, and 2SLGBTQQIA+ people.

RESOURCES FOR CULTURAL PRACTICES AND LAND-BASED ACTIVITIES

The AFN heard from many survivors and families that ability to participate in culture and ceremony has saved lives. This is the case for all persons, regardless of gender. When First Nations citizens are brought into ceremony, a spiritual connection to their identity is fostered leading to personal fulfilment and building of stronger networks of support. It is well-documented that many First Nations citizens have strong connections to the land in such a way

⁴ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1(b) (3 June 2019) <https://www.mmiwg-ffada.ca/final-report/> at 14.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People

that their cultural practices and ceremonies are also tied. As the Reclaiming Power and Place highlights, it is also important to be inclusive of 2SLGBTQQIA+ people into ceremony and participate in land-based activities, as ceremony has at times been used as an excuse to exclude 2SLGBTQQIA+ people.⁵

All levels of government must fund and create additional resources for specialized cultural practices and land-based ceremony for all First Nations men, boys, girls, women, and 2SLGBTQQIA+ people.

MENTAL AND EMOTIONAL HEALTH SUPPORTS FOR FIRST NATIONS MEN AND BOYS

Intergenerational trauma and abuse suffered by First Nations men contributes to the many types of violence experienced by First Nations women, girls, and 2SLGBTQQIA+ people. Throughout our regional engagements, the AFN heard many times that there is a gap in addressing this issue. Many stated that, as a starting point, First Nations men and boys need the proper supports to begin their healing process, which means they require support to internally reflect and learn how to address the trauma they experience in healthier ways. First Nations boys also require healthy role models and mentoring to break the cycle of intergenerational trauma.

Increased funding and resources are needed for First Nations to develop culturally appropriate programs and services for men and boys. Such programs and services must include but are not limited to increased access to personal counselling and therapy. Programs grounded in cultural traditions create a sense of belonging and help to address cognitive, behavioral, and mental health concerns.

SELF-DETERMINATION AND REVITALIZING FIRST NATIONS LAWS

Violence against First Nations women, girls, and 2SLGBTQQIA+ people is continually perpetuated through the imposition of colonial laws such as the Indian Act that not only dispossessed First Nations women and 2SLGBTQQIA+ people from governance and leadership roles but reinforced an arbitrary system of identity in which First Nations women, girls, and 2SLGBTQQIA+ people lost ties to their nations.

To begin to remedy this issue, all levels of government, must work in partnership with First Nations to support revitalization of traditional or customary laws within First Nations. First Nations laws must be respected and upheld within the Canadian legal system and by policing services as much as they are embraced within First Nations justice systems. The National Inquiry's Final Report acknowledged that self-governance and self-determination are not only fundamental human rights for First Nations they are fundamental for healing from the violence.⁶ This is because First Nations understand best what they require in order to heal from trauma. All governments must respect and uphold First Nations rights to self-governance and support First Nations rights to exercise their jurisdiction to ensure the safety and security of their own people.

⁵ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1(b) (3 June 2019) <https://www.mmiwg-ffada.ca/final-report/> at 21.

⁶ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1(b) (3 June 2019) <https://www.mmiwg-ffada.ca/final-report/> 175.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People

National Action for Justice

"...all the systems meant to help us continue to oppress us."

The history and legacy of colonialism in Canada permeates almost all aspects of Canadian law and the legal system. Many of the root causes of the epidemic of missing and murdered First Nations women and girls in Canada can be traced back to the assimilationist objectives which were codified in Canada's law and policies. It is an undeniable truth that long standing systematic biases and racist views still held by Canadian society continue to deny First Nations women and girls fundamental rights to safety, security, and equal protection under the law.

First Nations people are continually over-policed, over-charged, and over-incarcerated in the justice system.⁷ It is a shameful fact that government officials have never, and in many cases still do not provide the same level of funding to First Nations for services on reserves as they do other populations. When First Nations women, girls and 2SLGBTQQIA+ people go missing, their families' complaints are not taken seriously, their cases are not investigated properly, their families are not updated on their loved ones investigations, their cases are prematurely deemed accidents, and the perpetrators are not apprehended or punished in the same manner as when the victims are non-First Nations.

Government and police forces across Canada have never acknowledged the role they play in the colonization of First Nations' territories and the violence which throughout history was perpetrated against First Nations women, girls and 2SLGBTQQIA+ people. Law enforcement agencies in this country have a long history in enforcing racist and discriminatory laws and policies such as confining First Nations people to reserves, the permit system, or their role in taking First Nations children away from their families to attend Residential Schools.

It is vitally important that the RCMP and other police services be more accountable for their treatment of families and survivors, and for how they investigate missing and murdered First Nations women, girls and 2SLGBTQQIA+ people. Many families shared similar stories of being mistreated by police when reporting a loved one who went missing or was murdered. Racism within the police forces is a barrier to finding justice for the families who are search for justice their loved ones.

⁷ Canada, The Correctional Investigator Canada, *Annual Report: Office of the Correctional Investigator, 2016-2017* (Ottawa, The Correctional Investigator Canada, 2017) <https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20162017-eng.pdf> at 48.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

The National Inquiry's Final Report listed several inequalities experienced by First Nations peoples in relation to policing, justice, and corrections; they include:

- Delays in court proceedings due to insufficient capacity,
- Discrimination and inequalities in the criminal justice system,
- Discrediting of victim's statements,
- Limited access to court services, and
- Racial discrimination and mistreatment.

Specifically with respect to policing, the National Inquiry identified several gaps and inequalities that obstruct fair and timely access to security and law enforcement for First Nations women, girls and 2SLGBTQIA+ individuals, they include:

- Police discrimination and racism (including systemic racism),
- Gaps in policing in remote communities,
- Jurisdictional barriers, and
- High turn-over.

To address these barriers and inequalities the National Inquiry's Final Report provided the following recommendations for best practices:

1. Improving Law Enforcement Practices:

- Using physical descriptors instead of racial descriptors,
- Protocols for early intervention,
- Extended length of law enforcement placements,
- Engagement with community members increased training, and community orientations.

2. Shift focus on Crime Prevention through Community-Based Models:

- Expand and legitimize community-based security models,
- Provide secure transportation options,
- Identify and provide early warning of risks,
- Public education,
- Leverage technology for safety

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

3. Restorative Justice and First Nations laws

- Support for First Nations justice programs, particularly models grounded in traditional approaches to law and justice,
- Options for choosing between different approaches to justice proceedings, and
- Increased funding and training for 2SLGBTQIA+ restorative justice programs.

NATIONAL PRIORITY ACTION ITEMS: JUSTICE

The following are actions targeted to federal, provincial, and territorial governments to address the barriers and inequalities experienced by First Nations citizens in the justice system:

Action	Calls for Justice
Establish a national investigative taskforce to review or reopen cold case investigations involving First Nations women, girls, and 2SLGBTQIA+ people.	5.6, 5.8, 9.5, 9.6
Establish a National Indigenous Human Rights Ombudsperson and National Indigenous Human Rights Tribunal, in partnership with the federal government, provincial and territorial governments, and First Nations.	1.7, 5.1, 5.12, 9.5
Ensure appropriate funding of Gladue reporting to ensure that First Nations access to report writers and Gladue reporting.	5.13, 5.15, 5.16, 5.17
Support to revitalize traditional and customary laws within First Nations jurisdictions.	5.11, 2.3, 2.4, 2.5
Enhancing and respecting self-governance models within First Nations to provide support for families and survivors.	5.11
Amend the Criminal Code of Canada to make "Indigenous identity" an aggravating factor when charging or sentencing accused.	5.14, 5.15, 5.16, 5.18
Increase funding for First Nations justice initiatives and restorative justice and culturally appropriate victim offender treatment program.	5.16, 5.21

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

NATIONAL PRIORITY ACTION ITEMS: POLICING

The following are actions to address the barriers and inequalities experienced by First Nations citizens when dealing with the police:

Action	Calls for Justice
Create independent, third party oversight bodies for all police forces across the country, which are accountable to the First Nations and First Nations citizens they serve.	5.7, 9.6, 9.8, 9.9
Federal government to review and strengthen its human trafficking law and support law enforcement in counteracting the rise in international human trafficking rings.	8.1
Ensure that police respond to calls involving a First Nations person going missing or being murdered in a culturally sensitive manner and understanding the contributing factors that cause missing and murdered Indigenous women, girls, and 2SLGBTQIA+ people.	5.5, 9.1, 9.2, 9.3, 9.5
Police forces across the country be required to stop using "mug shots" of Indigenous women on missing posters.	15.6
Support crime prevention which addresses risks and protective measures.	9.7
Police Forces in Canada to acknowledge the colonial violence they have inflicted against First Nations and commit to accountability measures.	9.1, 9.5, 9.7
Police Forces in Canada develop with First Nations and implement programs which will promote positive working relationships and trust with First Nations and First Nations citizens.	9.2, 9.7

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

National Action for Human Security

"We aren't vulnerable. We are targeted."

Reclaiming Power and Place defined the issue of human security broadly, stating that Indigenous people, continue to be threatened by economic, social, and political marginalization and underdevelopment. The Commissioners found that human security is inextricably connected to rates of poverty, unemployment, and secure housing within First Nations. They advocated for equitable access to basic needs, such as shelters and food and increased support for higher levels of education and support. Poverty and insecure housing were identified as critical risk factors that disproportionately impact First Nations.⁸

The Commissioners of the National Inquiry noted that a lack of safe affordable housing or shelter increases risks of violence and harm, presents a barrier to fleeing unsafe situations, or forces individuals in rural and remote areas or in northern isolated communities to migrate to urban areas.⁹

The National Inquiry's Final Report listed several barriers to accessing housing and shelter which include:

- Insufficient capacity in shelters;
- Shortages of housing;
- Deferred maintenance challenges;
- Risks of discrimination in shelters;
- Lack of transitional housing;
- Strict policies against substance use in shelters;
- Gender-based shelters and prioritization of women and children;
- Financial barriers, and
- Equitable access to housing

⁸ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1(a) (3 June 2019) <https://www.mmiwg-ffada.ca/final-report/> at 504.

⁹ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1(a) (3 June 2019) <https://www.mmiwg-ffada.ca/final-report/> at 537.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

The National Inquiry's Final Report notes that poverty and insecure housing increases the risks of the following.

- Family violence, exacerbated by the stress of financial hardships and overcrowding;
- Foster care interventions;
- Engagement in criminal behavior;
- Mental Health concerns, low sense of self-worth and suicidality;
- Substance use and addictions and sexual exploitations or being forced to engage in sex work;
- Contraction of infectious diseases due to overcrowding; and
- Food insecurity.

Families and survivors have expressed the urgent need for more safe spaces, shelters, transition housing, and safe modes of transportation in remote areas within their First Nations. They also felt that the onus unfairly falls upon women and children to leave their homes to flee the violence they are experiencing. Relocation and lack of support increases the risk of First Nations women, girls and 2SLGBTQIA+ people experiencing unemployment, poverty, food insecurity which in turn increases the likelihood of negative interactions with police and the child welfare system.

NATIONAL PRIORITY ACTION ITEMS: HUMAN SECURITY

Action	Calls for Justice
Reducing the marginalization of Indigenous women and girls by improving socio-economic development and outcomes.	1.3, 4.1, 4.2, 4.4, 4.5, 8.1
Implement a national campaign targeted to industry and resource extraction companies to ensure safety and respect of First Nations women, girls, and 2SLGBTQIA+ people on the job site.	13.1, 13.3, 13.4, 15.6
Support the increase in capacity of First Nations to produce their own food and provide for basic needs to promote social security, especially for northern and remote First Nations.	4.1, 4.2
Increased access to transportation, emergency services, and improved infrastructure so emergency calls from northern and remote First Nations are responded to.	4.8
Utilize technology to better track movements or track location of First Nations women, girls, and 2SLGBTQIA+, in accordance with privacy laws and regulations.	1.5

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

National Action for Health and Wellness

"We recognize how much we have to heal to undo the effects of colonization."

Reclaiming Power and Place defines health as a "holistic state of well-being which includes physical, emotional, spiritual, and social well-being."¹⁰ This definition is not just the absence of sickness or illness and is connected to other rights such as the right to clean water, food and shelter security, and access to health care – many of which are outlined in the UN Declaration and other international legal conventions.

Health concerns are intrinsically linked to violence that many First Nations women, girls, and 2SLGBTQIA+ people face because when health is in jeopardy, so is safety. The long-term impacts of violence on health must also be seen in the context of settler-colonialism in Canada. The Indian Residential School system and the effects of intergenerational trauma combined with systematic discrimination and under funding of health services for First Nations have all led to the poor social determinants for health and wellness of First Nations people.

The AFN heard from survivors and families that health and wellness were traditionally thought of in a relational and holistic way. Those First Nations who are fortunate to still have Knowledge Keepers who possess knowledge about traditional medicines and healing want to ensure that First Nations Citizens have the ability to incorporate those practices into their health and wellness care. There are First Nations who no longer have Knowledge Keepers, and Knowledge Keepers from similar cultural backgrounds do their best to help revitalize traditional healing practices. First Nations survivors and families want to ensure that traditional healing practices are respected and can be accessed similarly to physicians in mainstream health institutions and specialists.

¹⁰ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1(a) (3 June 2019) <https://www.mmiwg-ffada.ca/final-report/> at 414.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

NATIONAL PRIORITY ACTION ITEMS FOR HEALTH AND WELLNESS

The following includes actions meant to help improve health services and delivery mechanisms in concrete ways to promote community and individual health, safety, and healing:

Action	Calls for Justice
Services and programs serving First Nations must be culturally appropriate, trauma informed, understand addictions, and employ harm reduction strategies, and must be designed from the First Nations perspectives that are being served.	3.2, 3.3, 3.4, 7.1, 7.2, 7.3
Design and implement a First Nations Health and Wellness Strategy for children of MMIWG2S+ to ensure they have culturally appropriate wellness support and healing practices.	3.7
Increase access to aftercare services, which includes culturally appropriate healing practices and grief counselling.	3.2, 3.3, 3.4, 7.2
Improve prevention programming and responses to violence within intimate relationships and families.	3.3, 3.4, 5.3, 7.2
Funding for First Nations women's centres, shelters, treatment facilities, and other safe spaces for First Nations women, girls, and 2SLGBTQIA+ people.	7.2, 7.4
Increased access to culturally appropriate mental and emotional health support for First Nations men and boys.	7.2, 7.3
Increase the number of First Nations social workers available in hospitals to help navigate the health care system and advocate for First Nations patients.	3.1
Services and programs serving First Nations must be culturally appropriate, trauma informed, understand addictions, and employ harm reduction strategies, and must be designed from the First Nations perspectives that are being served.	3.6

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People

National Action for Culture as Safety

“Our culture is who we are, it is in us. It is the biggest part of our healing.”

Reclaiming Power and Place defines culture as, “elements such as ways of life, language, histories or literatures (both oral and written), belief systems, ceremonies, environments, and traditions.”¹¹ The practice and protection of First Nations cultural rights demonstrates resilience in resisting government sanctioned acts of colonial violence and policies meant to assimilate First Nations into mainstream Canadian society.

Acts of genocide against First Nations people, committed by the Canadian state, such as Residential Schools and the 60’s scoop, have stripped First Nations people of their unique traditions, customs and languages. First Nations culture is vitally important to the overall wellbeing of First Nations children, and to those who are looking to heal from the legacy of trauma caused by colonial violence and policies.

The emphasis families and survivors put on cultural safety serves to underscore how pivotal cultural identity is for prevention, for support for people during times of crisis, and for healing from trauma. First Nations know best what is needed for cultural revitalization and preservation within our nations. However, it is often challenging to access funding for cultural programming if the types of cultural activities being proposed do not squarely fit existing funding guidelines. Often First Nations or First Nations service providers alter cultural programs to conform with governments’ funding models. Alternatively, First Nations must carry out cultural programming and services on piecemeal bases to narrowly focus on short-term funding opportunities. Flexible, sustainable and long-term funding for cultural programs and activities is very much needed.

There is a need for Canadian society, and especially for those in positions of authority, to understand First Nations culture and the contributing factors that cause missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ people. Devaluing the unique cultures and values of First Nations is a contributing factor to the overrepresentation in the child welfare system and those incarcerated. There needs to be more effort put forward to design and maintain ongoing training for all government workers with the content provided by First Nations Knowledge Keepers and experts.

¹¹ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1(a) (3 June 2019) <https://www.mmiwg-ffada.ca/final-report/> at 239.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

NATIONAL PRIORITY ACTION ITEMS FOR CULTURAL AS PREVENTION

The following includes actions that will assist in promoting culturally based prevention activities for First Nations women, girls, and 2SLGBTQIA+ people:

Action	Calls for Justice
Provide dedicated funding for First Nations schools and programming to support learning First Nations cultures and First Nations languages so children have opportunity to build strong cultural identities.	2.2, 2.3
Provide dedicated funding for no-barrier programming supporting access to First Nations culture and First Nations language for adults, both on-reserve and living in urban centres.	2.2, 2.3, 3.4
Provide dedicated funding to support preservation of cultural knowledge including First Nations customs, traditional knowledge, societal roles, and languages.	2.2, 2.4, 2.5
Support mainstream public education reform to provide a better understanding of First Nations culture and the contributing factors that cause MMIWG2S+.	1.9, 2.6, 6.1, 11.1, 11.2, 15.1, 15.2, 15.5, 15.6, 15.7
Design and implement a campaign raising public awareness aimed at changing attitudes that devalue Indigenous women and girls and the contributions of First Nations as an educational tool for violence prevention.	1.9, 2.6, 6.1, 11.1, 11.2, 15.1, 15.2, 15.3, 15.6

NATIONAL PRIORITY ACTION ITEMS FOR HEALING WITH CULTURE

The following includes actions that will assist in promoting culturally appropriate healing activities for First Nations women, girls, and 2SLGBTQIA+ people:

Action	Calls for Justice
Provide adequate funding to First Nations to develop their own culturally appropriate and land-based healing programs for the benefit of survivors and family MMIWG2S+, as well as all First Nations citizens affected by trauma.	7.1, 7.2, 7.3, 7.4
Increase access to culturally appropriate healing services and activities in urban centres.	2.3, 2.5, 3.1, 3.2, 3.6
Evaluate questions being asked to First Nations people when accessing programs and services for cultural sensitivity and understanding the contributing factors that cause MMIWG2S+.	2.6

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

Action	Calls for Justice
Designed and implement ongoing training for all government employees to understand the contributing factors that cause MMIWG2S+ and culturally sensitivity to better respond to the needs of First Nations.	2.6

NATIONAL PRIORITY ACTION ITEMS FOR CULTURAL AS SAFETY

The following includes actions that will utilize First Nations culture as a safety support when individuals or families are experiencing trauma:

Action	Calls for Justice
Provide adequate funding for independent and culturally appropriate First Nations victim services.	9.8
Provide adequate funding for cultural and spiritual supports to ensure that Knowledge Keepers providing these services are also properly supported.	2.3, 7.1, 7.2
Increased access to First Nations interpreters and translation services to improve access to health and wellness, and justice, and when dealing with police during investigations.	2.2, 7.5
Ensure First Nations experiencing traumatic events have access to and ongoing support from a crisis response team in a culturally appropriate way.	3.5
Provide targeted funding for culturally appropriate prevention and healing programs for survivors of human trafficking.	8.1

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People

Implementation

“The impact of the Federal Budget needs to be felt on the ground.”

The regional engagement sessions provide valuable insight on what approaches to implementation are needed to create meaningful change that can be felt on the ground and within First Nations.

The AFN heard from families and survivors on three (3) main areas that need to be considered in implementing the Calls for Justice they include:

- Jurisdictional Challenges
- Resources and Services
- Reporting and Tracking

JURISDICTIONAL CHALLENGES

The federal government has committed to achieving meaningful change and action for First Nations women, girls and 2SLGBTQQIA+ people. For this to happen, all levels of government must partner with First Nations and develop First Nations-led solutions that are reflective of the unique history, context, and lived reality of the First Nations they serve. Long term sustainable funding that results in preventative action will require First Nations engagement and direction.

Many of the Calls for Justice address the need for long-term sustainable funding that prioritizes eliminating the socio-economic marginalization of First Nations women, girls and 2SLGBTQQIA+ people. Almost all the actions required for the 231 Calls for Justice call for increases in funding and resources. This is one of the most important aspects to implementing the Calls to Justice.

Reclaiming Power and Place identified many jurisdictional issues that impact the safety of First Nations women, girls and 2SLGBTQQIA+ people. The National Inquiry’s Final Report defines interjurisdictional neglect as situations in which groups or individuals “fall through the cracks,” due to a lack of interjurisdictional cooperation.¹² It stresses the importance for all levels of government— federal, provincial, territorial, and First Nations— to work collectively to demonstrate greater interjurisdictional cooperation so that these gaps are closed. When services fail to coordinate with each other to enhance safety, it can often lead to a life-or-death situation for First Nations women, girls, and 2SLGBTQQIA+ people.

¹² National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1(a) (3 June 2019) <https://www.mmiwg-ffada.ca/final-report/> at 561.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

During our regional engagement sessions, we heard from many First Nations families and survivors who are frustrated and overwhelmed by the endless interjurisdictional challenges and obstacles they face just to access basic services. Cross-regionally, many participants had experienced similar issues where access to services were stalled due to change in location on or off the reserve. For many families and survivors, these barriers to receiving services has further contributed to the trauma of having a loved one go missing or be murdered. Jurisdictional challenges are not limited to one region. The lack availability or denial of services because of coordination problems between jurisdictions is a national issue that needs to be collaboratively addressed.

Call for Justice 1.6 states:

“ We call upon all governments to eliminate jurisdictional gaps and neglect that result in the denial of services, or improperly regulated and delivered services, that address the social, 7 economic, political, and cultural marginalization of, and violence against, Indigenous women, girls, and 2SLGBTQQIA people.”¹³

The federal government must take the lead in addressing these interjurisdictional issues both on- and off-reserve and begin to work to close the gaps. Interjurisdictional cooperation is crucial to addressing the many immediate concerns pertaining to violence against First Nations women, girls and 2SLGBTQQIA+ people. Cooperation between the federal, provincial, and territorial governments is necessary for implementation of the National Action Plan, as well as national awareness campaigns, improved social services and programming, reform in the legal instruments, improved social service programming, and reform of the criminal justice system.¹⁴

A Distinctions-based approach is needed throughout the entire implementation process. This will ensure that the unique rights, interests, and circumstances of First Nations are acknowledged, affirmed, and implemented. For implementation to be successful, all government must take immediate, preventative action to ensure the safety and security of First Nations women, girls, and 2SLGBTQQIA+ people. Proper implementation requires real or substantive action be taken to address these priority recommendations.

¹³ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1(b) (3 June 2019) <https://www.mmiwg-ffada.ca/final-report/> at 177.

¹⁴ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1(a) (3 June 2019) <https://www.mmiwg-ffada.ca/final-report/> at 561.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People

RESOURCES AND SERVICES

The socio-economic marginalization of First Nations women, girls, and 2SLGBTQQIA+ people puts them at a greater risk for violence. These issues can be directly linked to the continued inequitable funding for services and programs and lack of access to cultural, and family supports.¹⁵

First Nations women, girls, and 2SLGBTQQIA+ people are often forced to leave their communities and move to the city in the hopes of gaining access to better education, employment and training programs or services not available within their First Nations. Once in urban areas they feel disconnected from their family and community supports and they become targets for gender-based violence.

The lack of resources in remote First Nations is an even greater problem. Many remote First Nations have higher costs of living; food, transportation, cell phone service, and internet connectivity are exponentially more expensive and difficult to access. Immediate action is needed on the part of the federal government to provide stable and regionally equitable funding that reflects the difference in the cost of living for First Nations across Canada.

REPORTING AND TRACKING

Throughout the regional engagement sessions, many service providers expressed their concerns with the burden of reporting. Many reporting guidelines are unforgiving and limited in scope, leaving service providers with little capability to adapt in real time to help their clients. Increased flexibility would allow for services to be provided in a culturally appropriate way. Federal policies that impact funding for First Nations must also reflect the changing dynamic of First Nations women, girls, and 2LGBTQQIA+ people's situations. Service providers are often put in the difficult position of choosing between following reporting guidelines or denying assistance to First Nations people in need.

We have heard from many support workers who have expressed their frustration with non-First Nations organizations qualifying for and receiving specific funds targeted for MMIWG2S+. We also heard that many non-First Nations organizations turn away First Nations women, girls, and 2SLGBTQQIA+ people seeking assistance. Governments should be working with First Nations to evaluate the reporting and tracking mechanisms to ensure that resources are making it to the vulnerable populations they are intended to serve.

¹⁵ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1(a) (3 June 2019) <https://www.mmiwg-ffada.ca/final-report/> at 379.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

Accountability

"There needs to be a shift in their lens. The system is too colonial. When you say you are trying to implement the Calls for Justice, there needs to be action at the end of that."

For meaningful change to occur, all governments and institutions must be accountable to the people they serve. All governments, including First Nations, are responsible for the implementation of the 231 Calls for Justice. Calls for Justice number 1.1, 1.10- 1.11¹⁶ call for the development of independent mechanisms to report on the implementation of the Calls for Justice. Mechanisms for evaluation of the implementation of the Calls for Justice must be directly accountable to families, survivors and First Nations. Central to this, will be implementation reporting, data governance and data holding and access. What is also needed are transparent accountability frameworks that specifically break down the actions items that have undertaken and those still outstanding. Accountability mechanisms should provide information on timeframes, partners, indicators, objectives, and clear demonstration of which federal departments and agencies are responsible for monitoring progress for each action item.

The different departments, ministries and agencies within the federal, provincial, and territorial governments must be held accountable for failures to implement all the Calls for Justice. Each public service sector throughout the provinces and territories must be required to report on the status and progress of how they are operationally implementing the Calls for Justice.

Conclusion

The AFN will continue to advocate for the implementation of the National Action Plan and the 231 Calls for Justice in accordance with a "families first" approach and to advocate for survivors and families to be at the centre of implementation and monitoring processes. The work around implementing this framework is ongoing and this framework will need to be updated on a regular basis as an "evergreen" reflection of what is needed to end violence against First Nations women, girls, and 2SLGBTQIA+ people.

¹⁶ National Inquiry into Missing and Murdered Indigenous Women and Girls, x (3 June 2019) <https://www.mmiwg-ffada.ca/final-report/> at 62-63.

Breathing Life into the Calls for Justice

An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People

Appendices

The First Nations National Framework is one part of the First Nations response to the National Inquiry's 231 Calls for Justice with a specific national lens to the identified actions. At the time of releasing this report regional engagement was underway in six (6) of the ten (10) AFN Regions. The regional engagement is intended to produce regional reports or regional action plans that will explore the unique circumstances, perspectives, regional-led work that is occurring, and priority areas. As each report is completed, it will be added to this First Nations National Framework as complementary components to help advocate for implementation.

