
Political Affairs

How Canada Failed to Properly Address and Resolve The Current Genocide of Indigenous Women in the Country

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In September of 2016, following repeated concerns from Indigenous activists, Canada launched the National Inquiry into the Missing and Murdered Indigenous Women and Girls (MMIWG) crisis, in order to address the staggering numbers of murders and disappearances of Indigenous women in the country (Presley, 2020). The Royal Canadian Mounted Police reported that from 1982 to 2012 Indigenous women made up 16% of all female homicides in the country, while making up only 4% of the female population (Luoma, 2021). The disproportionate amount of violence was cited as a genocide by the inquiry's commissioners in the final report of the national inquiry, which will be furthermore be mentioned as the final report throughout this paper, and is considered to be a national crisis ("Final Report Volume 1a," 2019, p.50). Despite having passed over a year since these horrific findings have been released to the public, the issue remains unresolved. No concrete governmental plan or policy has been put into action, and Indigenous families continue to find themselves without any additional information as to what happened to these women (Samson, 2020). For these reasons,

I believe that Canada has not done enough to properly address, resolve, and bring justice to the genocide of Indigenous women currently taking place in this country.

Following the calls to action by various Indigenous activists and further pressure from the United Nations, Canada launched an inquiry to investigate the issue further (Brett, 2018). The inquiry commissioners worked with 2386 total participants through interviews and testimonies to unearth the truth (Brett, 2018). The evidence discovered through the final report of the inquiry revealed just how disproportionately Indigenous women are impacted by violence compared to other Canadian women (Luoma, 2021), as stated by findings in the report. Additionally, the final report also found that Indigenous women are not just frequent victims of murder but, "they also suffer higher rates of assault, robbery and sexual violence (Luoma, 2021)." Furthermore, the inquiry revealed that Canada's colonial past and racism were responsible for these women's disappearances and the lack of inaction towards this cause (Luoma, 2021).

Recognition of Genocide

In the final report, these murders and disappearances were determined to be a genocide (“Final Report Volume 1a,” 2019, p.50). The addition of the term “genocide” was met with controversy, primarily based on the general misunderstanding of the term. The term in and of itself elicits thoughts of guilt and cruelty. This term creates an uneasiness in Canadians, because it implies that Canada is at fault, and that these disappearances were maliciously brought about. The final report addresses the use of the term “genocide” by using the same definition that the

United Nations uses to define what constitutes such an act (“Final Report Volume 1b,” 2019, p.50). Not only is the United Nations’ definition used in the final report, the report was given a confirmation of the proper use of the term by the United Nations High Commissioner for Human Rights spokesperson Ravina Shamdasani, stating that “the national inquiry found reasons to believe that Canada's past and present policies, omissions and actions amount to genocide, under international law (“UN Human,” 2019).” In the introduction, the final report uses the definition of genocide from the United Nations Office on Genocide Prevention and the Responsibility to Protect, laid out by Polish lawyer Raphael Lemkin, in his book *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*. In this book, Lemkin first coined the term “genocide” (“United Nations,” 2019). His definition, as included in the inquiry, is as follows:

Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves (“Final Report Volume 1a,” 2019, p.50; Lemkin, 2014).

When evaluating the results of the final report with the definition from the United Nations Office on Genocide Prevention and the Responsibility to Protect, the decision was made by the commissioners to categorize this crisis as a genocide (“Final Report Volume 1a,” 2019, p. 51).

As the final report commissioners suggested, historical and colonial efforts against Indigenous people, with the continued racism and discrimination Indigenous people face today, has exacerbated these crimes, and ultimately contributed to the genocide (“Final Report Volume 1a,” 2019, p.51). In 2019, during an address to the public regarding the MMIWG Final Report, Canadian Prime Minister Justin Trudeau used the term “genocide” in his speech when announcing the government’s plan to find a resolution for the large disappearance of Indigenous women (“UN Human,” 2019). Since the term has been used and defended in the MMIWG Final Report, supported by the United Nations High Commissioner for Human Rights, and addressed by the Canadian government, it seems this issue as it stands today, is formally recognized as a genocide. This consistent acknowledgment of this issue as

genocide is crucial in properly resolving it. This term creates urgency and validates the experiences of Indigenous Canadians at the highest level of government and international law.

What is the solution?

One question arises when investigating this issue: what does a resolution to this crisis look like? To properly answer this question, one must first look at those who called for action in the first place. The MMIWG final report includes a "Call to Justice" section, with the demands of what the activists, survivors, and family members are asking in regards to taking action against this issue ("Final Report Volume 1b," 2019, p.183). The Call to Justice section includes requests

that ask for justice in various aspects of Canadian life, from the government, to healthcare, to police services, and more ("Final Report Volume 1b," 2019, p.180-183). Ultimately, these calls to action are asking for the recognition and removal of racial biases in all areas of Canadian society, which have ultimately led to the inequality and injustice that Indigenous women face ("Final Report Volume 1b," 2019, p.180-183). Due to the fact that the Call to Justice section reflects the desired governmental actions by those personally affected by this genocide, it should serve as the model for how the Canadian Government should form its political and legal decisions surrounding this issue ("Final Report Volume 1b," 2019, p.183). Furthermore, the Call to Justice section of the Final Report should also be used to evaluate the effectiveness of any government plan that is put in place to

ensure that it follows the suggestions included in the final report. A resolution to this crisis would ultimately be for the Canadian government to follow through with the calls and suggestions included in the Call to Justice requests, highlighted in the final report.

Lack of proper government actions

The report has expertly and thoroughly highlighted what a resolution to this issue must look like, but the majority of their requests have not yet been met by the Canadian government (Samson, 2020). Firstly, Bill C75, entitled, *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*, which includes some elements of the concerns laid out in the final report like domestic violence, human trafficking concerns, and biases in the justice system have been included into the new Bill, but it does not completely address the suggestions or concerns stated in the final report ("Department of Justice," 2019). We believe it would be more prudent to have a specific bill introduced solely for this issue, that includes all safety aspects concerning the genocide and not just the few elements that were included in Bill C75. Secondly, Bill C75 includes new policy changes in the legal processes regarding human trafficking prosecutions and domestic violence cases, but we believe it needs to be more specific to the genocide itself and not just the overall issue of violence in the country.

Without a national bill, provinces and territories may vary in how they handle this

crisis. According to Palmeter, “we do not know at this point when and if all the provinces and territories will enact orders in council to authorize the inquiry in their jurisdictions” (Palmater, 2016). Thirdly, this Bill does not explore resolutions to the racial biases in the police system during the investigations, nor find any other forms of barriers that Indigenous people face within the legal system. The Bill simply suggested the removal of peremptory challenges for the jury, which is not sufficient action on its own. (“Department of Justice,” 2019). Furthermore, the Government of Canada has delayed all plans regarding the genocide as a result of the COVID-19 pandemic, leaving Indigenous families without answers or solutions on this matter (Samson, 2020). Finally, no legal actions with the police have been taken yet, including investigations and arrests, as the police services have not mobilized to tackle this issue on a national level.

However, some police services have begun working on a community level to aid in this crisis (Samson, 2020). Thus, the current steps taken by the government have been ineffective, due to the fact that Indigenous families are still without answers, and no proper implementation of policies and plans addressing this issue have been put into action (Samson, 2020).

The investigations that are currently taking place regarding this genocide seem to be socially focused and not criminally motivated. The social focus seems to be on certain social issues within Indigenous communities, like homelessness, domestic violence and substance abuse. There is no

focus on factors from an external source such as criminal investigations into the murders and sexual abuse that disproportionately affects Indigenous women. There is no nationwide search for these women, just initiatives to combat certain social issues found within the Indigenous community (Palmeter, 2016). As stated previously, police investigations remain small and on a community based level at this time, the only large scale investigation into this matter has been the National Inquiry itself, which again is not a criminal investigation (Samson, 2020). Therefore, the main information on this genocide is coming from personal accounts, and not police investigations.

Racial barriers to justice

The primary focus at this time seems to be uncovering the impact of racism and colonialism in Indigenous peoples’ lives and how that has contributed to the genocide, but further police action is necessary. As a result, many Indigenous families feel that the police have not properly handled their relative’s cases and thus have not been able to properly receive justice (Samson, 2020). This lack of police action is believed to be a result of racial biases in police services, as an end to discrimination against Indigenous people by police services was a demand in the Calls to Justice section of the Final Report “(Final Report Volume 1b,” 2019, p.190). When addressing law enforcement concerns in the final report, their request was to “review and revise all policies, practices, and procedures to ensure service delivery that is culturally appropriate and reflects no bias or racism toward Indigenous

Peoples, including victims and survivors of violence (“Final Report Volume 1b,” 2019, p.190)”. Discriminatory barriers like this make it even more difficult for not only families to get answers, but for victims to come forward as well. In response to the racial biases in the police force, the final report has now established and launched the Forensic Document Review Project (FDRP) to work alongside Indigenous families to assess the police reports and other legal documents and evidence to review the police work for bias and neglect (Alexis, 2018). This is especially vital since these families relied heavily on the police investigations to bring answers and justice for their female relatives, however racial barriers are continuing to make this process more difficult (Moll, 2016). These racial barriers are evident in the history of discrimination against Indigenous people by the Royal Canadian Mounted Police (RCMP). Writer Sorouja Moll expressed her concerns regarding the RCMP’s treatment of Indigenous people in her work *The Writing Names Project: UnSilencing the Number of Missing and Murdered Indigenous Women and Girls*, stating;

RCMP is historically implicated in the violence against Indigenous women and girls, yet it maintains control over data collection, analysis, and dissemination; its conflict of interest and lack of accountability remain unacknowledged. How can we respond to fixed, structural patterns of oppression in a nation that continues to produce policies, narratives, and statistics that conceal the memory of responsibility in acts of convenient forgetting (Moll, 2016).

Not only is racism a driving force behind the violence these women are experiencing, but it also plays a major role as to why justice has not been served on their behalf (Moll, 2016). The families with missing and murdered Indigenous women and girls receive no answers, largely due to systemic racism in the police and justice systems.

Conclusion

In conclusion, much remains to be done for Canada to successfully achieve resolution and justice for Indigenous women. Not only is the elevated numbers of violence against Indigenous women in Canada concerning, but thousands of Indigenous families have lost their female relatives and have no knowledge of their whereabouts or what has happened to them. As it was showcased in this research, Canada has not yet put into action proper policies and plans that specifically address this issue, and large scale police investigations are not yet underway (Samson, 2020). Thus, due to government inaction Indigenous families remain without answers or justice for their loved ones (Samson, 2020). For these reasons, we come to the unfortunate conclusion that the Canadian government has not done enough to provide the legal and political support to properly resolve this genocide, bring answers and justice to the victims, or to protect Indigenous women in compliance with the results and demands of the final report. The Canadian government must promptly implement the demands and suggestions made by the commissioners to bring answers and justice to Indigenous families in accordance with their desired solutions to end this genocide.

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