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Declaration on the Rights of Indigenous Peoples Act: Draft Action Plan

Recommendations to Ensure Safety and Dignity for Indigenous Women, Girls and Two-Spirit People

Members of the Coalition on Murdered and Missing Indigenous Women and Girls (MMIWG2S+) in BC ("the Coalition") write to provide feedback and recommendations regarding the provisions outlined pertaining to women, girls and Two-Spirit people within BC's *Declaration on the Rights of Indigenous Peoples Act: Draft Action Plan*. In this submission, we will provide a background to the Coalition and articulate our concerns that adequate provisions are not afforded to Indigenous women, girls and Two-Spirit people in the draft action plan, which are needed to create systemic and structural change and respond to the urgency of ongoing genocide occurring in this province.

Background to Coalition on MMIWG2S+

The Coalition is an alliance of organizations and individuals that came together in 2010 at the time of the Opat Inquiry into Missing and Murdered Women in British Columbia. The Coalition includes a broad range of organizations representing Indigenous women and their allies in women's anti-violence, human rights, and labour organizations. Members have deep knowledge, expertise, and lived experience of discrimination and violence; some are family members and friends of murdered and disappeared

women, girls, and Two-Spirit people; and many have been engaged for years in front-line, grassroots anti-violence work on the streets and in shelters across the province. Members of the Coalition also have expertise in policy development and analysis regarding Indigenous rights, child welfare, and policing, as well as knowledge and practice in human rights, civil liberties, criminal, constitutional, and international human rights law.

Context: Inclusion of MMIWG2S+ in Draft Action Plan Limited to Section 3.8

BC's Draft Action Plan on the Declaration on the Rights of Indigenous Peoples Act represents an important step towards long overdue implementation of the UN Declaration in BC. Article 22 of the UN Declaration affirms:

- (1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
- (2): States shall 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.

Unfortunately, the Draft Action Plan's response to Article 22 of the UN Declaration, and special attention to violence against women is limited to Section 3.8:

- “Collaboratively finalize and initiate implementation of the Province’s plan to address the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls and the upcoming strategy to end gender-based violence, so that Indigenous women, girls and 2SLGBTQQIA+ people enjoy equal protection against all forms of violence and discrimination. *(Ministry of Public Safety and Solicitor General, Ministry of Attorney General, Ministry of Finance - Gender Equity Office).*”

Advocates have long called for implementation of the Calls for Justice, and before them the Highway of Tears Symposium Report Recommendations; however, more detail is required within the Draft Action Plan outlining how and when they will be implemented, as well as resources committed to ensure that ending the disproportionate violence against Indigenous women, girls, and Two-Spirit people is a priority within the DRIPA Action Plan.

Limitations of Draft Action Plan Deferring to “A Path Forward”

Section 3.8 indicates that the Draft Action Plan is heavily reliant on the province’s [A Path Forward: Priorities and Early Strategies for B.C.](#) to address gender-based violence. The Coalition is concerned that the Path Forward is insufficient to end the crisis of MMIWG2S+ and that a commitment to end violence against Indigenous women, girls, and 2SLGBTQQIA+ must be written into the DRIPA Action Plan. Following the federal government’s approach, the Path Forward Plan is an aspirational document that lacks concrete timelines, adequate resources, coordination mechanisms, meaningful inclusion of Indigenous women and 2SLGBTQQIA+ people, and women and 2SLGBTQQIA+ people-led organizations, an implementation strategy, and clear actionable policies to end the violence.

Despite new funding of 5.5 million dollars, the majority of commitments within the Path Forward are previously announced provincial policy processes that were underway prior to its June 3 release¹, and do not carry the weight needed to create structural change and quell the violence. The Coalition has made repeated attempts to meet with the province and has shared numerous letters with the Minister of Public Safety requesting information on the province's plan for addressing the MMIWG2S+ crisis, and providing critical input.

Coalition on MMIWG2S+ Recommendations for Revising Draft Action plan

The Coalition urgently recommends stronger alignment and commitment to ending gender-based violence for Indigenous women, girls, and Two-Spirit people with concrete actions to be written into BC's Draft Action Plan. As initial steps the Coalition urges the government of BC to revise the Draft Action Plan to include a stand-alone section on "Ending Violence Against Indigenous Women, Girls and 2SLGBTQQIA+ People" with the following concrete actions:

- **Expand the commitments in the Draft Action Plan to Include ending violence against Indigenous women, girls and Two-Spirit people:** Amend the section "Actions to be taken between 2021 and 2026" on page 5 to include a fifth bullet "Ending disproportionate violence against Indigenous women, girls, and 2SLGBTQQIA+ people" as a clear commitment to end Indigenous-specific violence over the next five years.
- **Expand the Path Forward into an Actionable Plan with Accountability Framework:** BC's *Path Forward* is insufficient to end the crisis of MMIWG2S+ and must be expanded into a comprehensive action plan with actions, timelines, and a measurable accountability framework. These actions must include funding for Indigenous peoples as well as identify structural changes that the province itself will make, including in the justice, health, and education sectors, and how action will be coordinated amongst partners. Commitments must have measurable targets including 1, 3, 5-year benchmarks. Progress on commitments must be reported and communicated publicly and to Indigenous women's organizations quarterly.
- **Align BC Path Forward with Calls for Action:** Align the BC Path Forward Plan with Indigenous-centered calls for action including the articles of the UN Declaration, the National Inquiry Calls for Justice, the Truth and Reconciliation Commission, the Oppal Inquiry, the Highway of Tears Symposium Report Recommendations, and Red Woman Rising Report. Currently the Path Forward does not demonstrate accountability to the valuable recommendations that flowed from the truths shared by family members and survivors through these processes.
- **Ensure BC's approach to ending violence against Indigenous women and girls and MMIWG2S+ is done within a Human Rights Framework:** Create a monitoring and oversight mechanism, in collaboration with the BC Human Rights Commissioner, to ensure that steps taken will address and remedy violations of the rights of Indigenous women, girls, and 2SLGBTQQIA+ people under the Charter, international human rights law, and the United Nations Declaration on the Rights of Indigenous Peoples.

¹ The commitments to delivering an action plan required under the *Declaration on the Rights of Indigenous Peoples' Act*; to draw from the In Plain Sight Recommendations; to conduct a review of anti-racism laws and introduce a new *Anti-racism Act*; and creation of a dedicated secretariat by the end of 2021 to coordinate the government's efforts to ensure new legislation and policies are consistent with the UN Declaration were previous commitments announced prior to the June 3 release of the Path Forward Plan.

- **Commit to ensuring BC’s approach to ending violence against Indigenous women and girls and MMIWG2S+ is Indigenous Women and 2SLGBTQQA+ People-led:** Indigenous women, family members, survivors and Two-Spirit people must be at the centre of the province’s approach to MMIWG2S+. Particular consideration and capacity support must be given to Indigenous women and 2SLGBTQQA+ people, and those with knowledge of the murders on Vancouver’s Downtown Eastside, the Highway of Tears, and BC’s rural northern communities. Indigenous women and 2SLGBTQQA+ people must have access to work with the province and help confirm the structural changes needed at the provincial level.
- **Expand funding for the province to make structural change to end the crisis of MMIWG2S+:** 5.5 million dollars promised in the Path Forward is insufficient to end the crisis of MMIWG2S+. The current conditions of precarity and insecurity experienced disproportionately by Indigenous women and 2SLGBTQQA+ people are the result of systemic violence. Meaningful systems change in this province will require substantially more consistent, stable, and ongoing funding, which includes a shift from project-based funding to long-term capacity for violence-prevention and response initiatives, for Indigenous women and 2SLGBTQQA+ people and their organizations.
- **Recognizing the unique nature of MMIWG2S+ crisis, provide mandate to best possible political leader in the province to lead MMIWG2S+ file:** the Coalition has recommended and requested that BC appoint Hon. Melanie Mark, an Indigenous woman with substantive experience, to this file and to provide sufficient staff dedicated to implementing the Action plan and Calls for Justice. This is an issue of life or death that cannot wait, the province must identify a work around solution to support this action without requiring a new mandate letter, or provide a new mandate letter.
- **Create a provincial secretariat dedicated to ending gender-based violence in BC:** ensure that the secretariat has adequate capacity and authority.
- **Create a formal, funded provincial support system for families of missing persons:** The province must fulsomely acknowledge that the issues of gender-based violence are tied to colonialism and have unique, disproportionate, and intergenerational impacts on Indigenous families. When a person goes missing, undue burden is placed on families to conduct searches for their loved ones, to print and distribute flyers, and coordinate with authorities. This experience is extremely traumatizing during a highly uncertain and emotional period. DRIPA Draft Action Plan Action 1.7:

 - “Demonstrate a new and more flexible funding model and partnership approach that supports First Nations to plan, design and deliver mental health and wellness services across a full continuum of care and to address the social determinants of health and wellness. *(Ministry of Health, Ministry of Mental Health and Addictions)*”

This action must be expanded to include specific support for families of missing persons including funds to cover costs associated with conducting a missing-person search, and loss of wages, as well as cultural, mental, emotional and healing supports.
- **Create funding for Indigenous Nations and organizations to have missing person navigators:** Provide funding for culturally safe missing-person navigators to support families through the

search for their loved one. Navigators could help families through bureaucratic processes and to access provincial services, victim services, and police as well as cultural and mental health supports. Funding for these positions could be made available to communities and advocacy organizations.

- **Province to establish and maintain regular, transparent communication with families and community group:** The province must meet regularly and provide open communication to families and community groups such as the Coalition on MMIWG2S+.
- **Expand funding for Indigenous-run transportation services in the north and throughout BC:** Access to safe reliable transportation throughout northern communities continues to be a barrier to health and well-being and contributes to the creation of conditions of precarity for Indigenous women.
 - Action 3.9 of DRIPA Draft Action Plan:
“Engage with First Nations to identify and implement multi-modal transportation solutions to support safe and reliable transportation services for communities. *(Ministry of Transportation and Infrastructure)*”
 - Action 4.2 of BC Path Forward:
“Improve transit options for people in rural communities by expanding service for the BC Bus North program. *(Ministry of Transportation and Infrastructure)*”

These actions to expand bus service must include support for Indigenous-run transportation services in Northern communities. Safe, reliable, and low barrier transportation is a minimum requirement to creating healthy Indigenous communities, and must be available at no cost to Indigenous women.

- **Ensure that provincial police and justice reform processes specifically address MMIWG2S+:** Include a framework for police reform within the DRIPA Action plan which requires police and RCMP to meet with the province and Indigenous women’s organizations and actively review their policies and procedures to be in line with the Calls for Justice, and provide mandatory training at all departments and officers.
- **Create a coordinated BC approach to end MMIWG2S+ crisis:** Ending the deeply structural issues and colonial legacies which continue to create conditions of violence for Indigenous women, girls and Two-Spirit people will require cooperation across sectors and ministries in BC. The Yukon has shown leadership and has taken a unique approach to the crisis of MMIWG2S+ that can offer lessons to BC. The Yukon was the first territory in the country to write its own policy strategy, which began in 2015 with a Regional Roundtable and the creation of the [Yukon Advisory Committee on Missing and Murdered Indigenous Women and Girls](#) to develop priorities and a strategy to end violence against Indigenous women. BC must create a MMIWG2S+ Advisory committee and working groups across the province which are led by Indigenous women, Two-Spirit people, survivors, and families, and include community-based agencies and organizations, police, media, academics, service providers, and private industry. The province should request a meeting with the Yukon Advisory Committee to learn best-practices from their ‘All of Yukon’ approach.
- **Create a MMIWG2S+ data strategy specific to BC:** The province must collect race-based data and track violent crime committed against Indigenous women, girls and Two-Spirit people as a key accountability measure to ensure that rates of violence decrease in the province.

- Province to ensure formal process for accountability and safety in labour camps re MMIWG2S+:** Reports have linked increased violence towards Indigenous women to the proximity of ‘man camps’ in BC’s resource extraction sector. The province and Ministry of Labour must work with private industry and stipulate as a condition of project approvals, that any employers that accommodate large camps of workers, have staff training, safety checks, and an accountability framework within the company’s policies to respect and uphold the rights and safety of Indigenous women, girls, and Two-Spirit people and of the neighbouring Indigenous communities. The province must re-evaluate worker accommodation camp regulations to limit length of time temporary work camps run and to implement practices that increase safety for Indigenous women including mandatory ongoing cultural awareness, anti-racism, anti-violence, and gender-equality training, along with services to address addiction and depression among workers. Work camps must develop safe, responsible, and accountable relationships with Indigenous communities in close proximity.
- Create a plan to achieve justice and accountability specific to MMIWG2S+ in Corrections BC:** Indigenous people are over-represented in the Canadian Justice system, both as offenders, and victims of violent crime. Families of MMIWG2S+ have experienced immense re-traumatization through their interactions with the Canadian Justice system. There have been documented cases of non-Indigenous offenders appropriating Indigenous culture to access cultural programming intended to support Indigenous offenders. BC can learn from these shortcomings and ensure that at the provincial level, Corrections BC reserves Indigenous-specific programming for Indigenous offenders and works in collaboration with Victim Services to provide open, trauma-informed, and culturally safe communication to family members of victims.
- Co-develop provincial gender-based violence prevention act:** The province must create a Gender-Based Violence Prevention Act in consultation with Indigenous women and 2SLGBTQQA+ people to demonstrate its ardent commitment to ending genocide of Indigenous women, girls and Two-Spirit people and to provide a concrete, actionable framework to align BC’s laws, and direct its ministerial commitments to implement these recommendations and the Calls for Justice once and for all.

Sincerely,

Aboriginal Mother Centre Society
 BC Assembly of First Nations
 BC Federation of Labour
 Battered Womens Support Services
 BC Civil Liberties Association
 Carrier Sekani Family Services
 Downtown Eastside Women’s Centre
 Feminists Deliver
 First Nations Summit
 First United Church Community Ministry Society
 First United Church Social Housing Society
 Indian Residential School Survivor Society
 Myrna Cranmer, February 14th March

The Poverty and Human Rights Centre
Saa'ust Centre
Union of BC Indian Chiefs
West Coast LEAF