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Empty Apologies: Canada's Missing and Murdered Indigenous Women and Girls Crisis

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Empty Apologies: Canada's Missing and Murdered Indigenous Women and Girls Crisis

Abstract

The Missing and Murdered Indigenous Women and Girls (MMIWG) crisis is a human rights crisis that demands swift and concrete action from the Canadian government. Indigenous women and girls in Canada are disproportionately affected by violence due to colonialist values ingrained in society and the federal government. This paper looks into the findings of Canada's 2016 National Inquiry into the MMIWG crisis and determines the progress that the Canadian government has made toward ending the crisis. The paper concludes that the Canadian government has used the COVID-19 pandemic as an excuse for delayed action and their programs will take years, even decades to be implemented considering the pace of the National Inquiry and lack of progress made three years later. If the Inquiry's Calls to Action are met with inadequate solutions, Indigenous women, girls, and 2SLGBTQQIA people will continue to be taken from their families and communities. COVID-19 is not a valid excuse for the lack of concrete action by the government. The government must stop promising action and start fulfilling the commitments laid out in the National Inquiry and National Action plan.

Keywords: National Inquiry, Missing and Murdered Indigenous Women and Girls Crisis (MMIWG), Royal Canadian Mounted Police 2014 Report, Canada, COVID-19

Introduction

The Missing and Murdered Indigenous Women and Girls (MMIWG) crisis is a human rights crisis widespread across North America. Indigenous women and girls in Canada are disproportionately affected by violence due to colonialist values ingrained in society and the federal government. Until very recently, this crisis remained in the shadows of popular media and went vastly ignored by the Canadian government. The federal government, before the National Inquiry, neglected the at-risk Indigenous population. Canadian police departments such as the Royal Canadian Mounted Police (RCMP) have a history of ignoring Indigenous families who try to file missing persons reports and placing blame on the missing Indigenous women and girls. This capstone project serves as an introduction to the MMIWG crisis including the Royal Canadian Mounted Police (RCMP) 2014 Report, the National Inquiry as well as the criticism it has received, and how the COVID-19 pandemic has impacted progress toward ending the crisis.

Royal Canadian Mounted Police 2014 Report

The Royal Canadian Mounted Police (RCMP) 2014 Report was a major turning point in Canadian Indigenous history which sparked demands for the 2016 National Inquiry. The 2014 RCMP report is a direct result of the 2010 Native Women's Association of Canada (NWAC) Sisters In Spirit Initiative. NWAC is a National Indigenous Organization that acts as a political advocate for Indigenous women, girls, Two-Spirit, and gender diverse people (Native Women's Association of Canada, 2020). In 2005, NWAC launched the Sisters in Spirit Initiative, which gathered information about 580 cases of missing or murdered Aboriginal women and girls across Canada (Native Women's Association of Canada, 2010). The evidence systematically collected by the Initiative demonstrated the disproportionately high volume of missing and murdered Indigenous women and girls in Canada. The Initiative stimulated increased media coverage on the MMIWG crisis, ultimately leading to the RCMP 2014 Report (Drache et al., 2016). Originally, Indigenous activists demanded a national inquiry. Instead, the RCMP released a report denying evidence found by NWAC. The 2014 and 2015 reports caused an outrage among Indigenous communities and reignited demands for a National Inquiry.

The RCMP (2014) claimed that "The majority of all female homicides are solved (close to 90%) and there is little difference in solve rates between Aboriginal and non-Aboriginal victims". This statistic is suspect, considering the amount of families that have come forward to share their stories about the ineffectiveness of the RCMP. Many families said that the RCMP did not take their concerns about missing family members seriously. They took months or years to conduct investigations, if at all. "NWAC has found that only 53% of murder cases involving Aboriginal women and girls have led to charges of homicide... 40% of murder cases remain

unsolved." Though the RCMP and NWAC are pulling data from different sources, it is doubtful that 90% of all female homicides have been solved while 40% of cases that NWAC has studied remain unsolved.

Though it is impossible, at this moment, to know exactly how many Indigenous women, girls, and Two-Spirit people have gone missing and/or been murdered, it is clear that the RCMP's number is a gross undercount. In their 2014 report the RCMP said, "Police-recorded incidents of Aboriginal female homicides and unresolved missing Aboriginal females in this review total 1,181 – 164 missing and 1,017 homicide victims" (2014). During the National Inquiry, "1,484 Family Members and Survivors provided Testimony" during the "Truth Gathering Process" (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019). This number does not capture the total number of victims but proves the flawed data collection that the RCMP presented. Canadian police departments are known among Indigenous communities for dismissing missing persons cases. Amanda Sophia Bartlett, 17, went missing in July 1996 on Winnipeg's Selkirk Avenue at Salter Street. She lived in a group home and ran away. Nobody pursued her. The RCMP and the Winnipeg Police Service shuffled Amanda's mother and sister back and forth between the two, as neither organization wanted the responsibility of finding Amanda. It took twelve years, in February 2008, until the Winnipeg Police began working on a missing persons case (Canadian Broadcasting Corporation, n.d.). There are hundreds of stories just like Amanda's. Policemen do not take Indigenous missing persons cases seriously. They delay searches citing the risky lifestyle of Indigenous women and girls. They tell families that their loved one will probably return soon or died in an accident. Racist and sexist attitudes of those employed in Canadian police departments is why many MMIWG cases go ignored and uncounted.

Furthermore, the RCMP 2014 report is racist against Indigenous men. According to the 2014 report, “Female homicide victims generally know the person who kills them – more than 90% had a previous relationship with them. This is true for Aboriginal and non-Aboriginal female victims”. This statistic has been disproven by the National Inquiry and the NWAC. Claims that most deaths come from within Indigenous communities reinforces racist stereotypes that Indigenous people are wild and dangerous. The RCMP frequently resorts to blaming victims for their “risky lifestyles” and blaming Indigenous men for being too violent. The effort policemen spend blaming victims and avoiding these cases could instead be used to look for missing Indigenous women and girls.

Following the 2014 RCMP Report, Indigenous activists became angry with the misinformation presented in the report and continued gathering their own statistics. The Legal Strategy Coalition on Violence Against Indigenous Women found that the federal government ignored all but a few of the seven hundred recommendations across fifty-eight separate reports to aid and prevent more disappearances and murders (Harvard, 2016, p. 25). Public outrage mounted and demands for a National Inquiry grew.

The 2016 National Inquiry into Missing and Murdered Indigenous Women and Girls

In 2016, Canada began the process of conducting a National Inquiry into the Missing and Murdered Indigenous Women and Girls crisis in their country. The Inquiry was launched under prime minister Justin Trudeau after years of pressure from the Indigenous Canadian population. “Reclaiming Power and Place: The Final Report of the National Inquiry Into Missing and Murdered Indigenous Women and Girls”, published on June 3, 2019, outlined the causes for violence against Indigenous women and Two-Spirit people, collected testimonials from family members, survivors, and Knowledge Keepers, and gathered 231 Calls for Justice (National

Inquiry into Missing and Murdered Indigenous Women and Girls, 2019). In this section, I will outline what caused the Inquiry, what the Inquiry sought to do, what information was gathered, recommendations for the Canadian government, and criticisms of the Inquiry.

Throughout his time in office, Prime Minister Steven Harper refused to conduct a national inquiry, stating that these murders were individual occurrences rather than a genocide of Indigenous peoples (Harvard, 2016, p. 24). Harper also argued that other studies, such as the RCMP's, had already been taking place, making a National Inquiry pointless (Do, 2014). Outrage grew among Indigenous activists which, through their use of social media, spread to mainstream media (Drache et al., 2016). The "Am I Next" social media movement, for example, called attention to Harper's inaction when thousands of Indigenous women and allies posted pictures of themselves holding signs reading "Am I Next" (Walsh, 2017). Though Harper took no further action towards a National Inquiry, Indigenous Canadians refused to remain silent. They demanded a state response. As part of Justin Trudeau's 2015 campaign, he promised to launch the National Inquiry into the Missing and Murdered Indigenous Women and Girls crisis. Trudeau followed through on this campaign promise and the Inquiry was launched in 2016, led by five Indigenous commissioners.

The Commissioners were given 53.8 million dollars and a deadline to finish in 2018 (Walsh, 2017). The mandate of the National Inquiry states:

"The National Inquiry must look into and report on the systemic causes of all forms of violence against Indigenous women and girls, including sexual violence. We must examine the underlying social, economic, cultural, institutional, and historical causes that contribute to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada. The mandate also directs us to look into and report on existing institutional

policies and practices to address violence, including those that are effective in reducing violence and increasing safety.” (Bell, 2019)

Their official mission states: “We will find the truth by gathering many stories from many people. These truths will weave together to show us what violence really looks like for Indigenous women and girls in Canada...Our research is rooted in Indigenous methodology. It is governed by traditional laws and ethics that affirm the resistance and resurgence of Indigenous women and girls, including 2SLGBTQQIA people. Indigenous women’s experiences will guide our truth every step of the way” (Bell, 2019). Using the Truth Gathering Process, the National Inquiry claimed to prioritize listening to survivors and family members of MMIWG. Their research and reports were used to make recommendations to the federal government regarding possible ways to mend this human rights crisis.

Volume 1b of the Final Report lists the Inquiry’s “Calls for Justice”. There are 231 Calls for Justice in the Final Report under 18 categories including “Human and Indigenous Rights and Governmental Obligations, Culture, Health and Wellness, Human Security, Justice, Calls for Media and Social Influencers, Calls for Health and Wellness Service Providers, Calls for Transportation Service Providers and the Hospitality Industry, Calls for Police Services, Calls for Attorneys and Law Societies, Calls for Educators, Calls for Social Workers and Those Implicated in Child Welfare, Calls for Extractive and Development Industries, Calls for Correctional Service Canada, Calls for Justice for All Canadians, Calls for Justice for Inuit, Métis-Specific Calls for Justice, and 2SLGBTQQIA-Specific Calls for Justice” (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019). According to the Final Report, each Call for Justice is a step that must be taken to permanently end the genocide and systemic injustice against the Indigenous population. These Calls for Justice are unfortunately not legally binding,

regardless of the fact that the Final Report indicates that they should be. In the Final Report it is stated,

“These recommendations, which we frame as ‘Calls for Justice,’ are legal imperatives – they are not optional. The Calls for Justice arise from international and domestic human and Indigenous rights laws, including the Charter, the Constitution, and the Honour of the Crown. As such, Canada has a legal obligation to fully implement these Calls for Justice and to ensure Indigenous women, girls, and 2SLGBTQQIA people live in dignity.”

(National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019)

This means that it is technically against the law for Canada to remain complicit in the violation of Indigenous human rights. However, as the official website of the Government of Canada states under their “Commissions of Inquiry Page”: “A Commission of Inquiry's findings and recommendations are not binding. However, many have a significant impact on public opinion and the shape of public policy” (Privy Council Office, 2021). Considering there have been calls to justice and national inquiries which amounted to nothing, the legality of the 2016 National Inquiry has been criticized by the Indigenous Canadian population. There is an understandable fear that the Canadian government launched the Inquiry for optics and has no intent to better the lives of the Indigenous population.

There have been many valid complaints regarding the National Inquiry. Because these recommendations are not legally binding, many are worried that nothing will come from this process. Without legal obligation, it is likely that the government will procrastinate on concrete action until the media loses interest and the topic has run its course in the news cycle. A common theme in MMIWG cases is police inadequacy. Many families have come forward to tell their stories about how officers ignored their concerns and did not begin investigating for weeks after

a disappearance. Many families of MMIWG expressed concern that the Inquiry decided not to investigate old cases (Walsh, 2017). The structure of the Inquiry has also been criticized. The Inquiry followed a legalistic approach which used hearing processes. Many complained that using this colonial model rather than Indigenous protocols reinforced systemic issues oppressing Indigenous people in the first place. Marilyn Poitras, one of the five original Commissioners, resigned citing the poor structure of the Inquiry (Walsh, 2017). In her resignation letter, Poitras said:

I had imagined the chance to put Indigenous process first; to seek out and rely on Indigenous laws and protocols. I wanted to travel to as many places as possible: rural, urban, and remote—holding meetings in community halls and kitchen tables. I was committed to speaking with people who are housed and who work in institutions, including prisons, jails, and transition houses.

I looked forward to being welcomed into communities and wanted to participate in traditional ceremonies and even feasts—because as Indigenous people that is who we are. And most importantly, I was honoured to work with dedicated families of missing and murdered Indigenous women and girls, survivors of violence, and our Elders. (Poitras, 2017)

The legalistic, arguably colonialist, approach consisted of swearing in before giving testimony, formal public testimonies, and a consensus-based model of decision making for commissioners (Walsh, 2017) (CBC News, 2017). As Poitras said in an interview with CBC News, “My main concern is that this commission is going down a tried road. We've been studied, we've been researched, we've gone and looked at Indians, and half-breeds and Inuit people for a long time to see what's the problem. ‘You tell us your sad story and we'll figure out what to do with you.’ And we're headed down that same path. And if it worked, we would all be so fixed and healthy by now. It doesn't work.” (CBC News, 2017).

It is disappointing that the Commission decided to use a model that has contributed to the oppression of Indigenous peoples for centuries rather than conducting research using an

Indigenous framework. It is argued that since the Commission's suggestions are not legally binding, there was no reason for using formal court processes. Furthermore, the legal process and jargon was exclusionary for many Indigenous families. Maggie Cywink, Ontario's Special Adviser for the Inquiry, said, "They don't understand legalese or the terminology the commission is using. What is witnessing? What is truth gathering? What is standing or the hearings? All of that sounds like jumbled stuff going on in the background." (Talaga, 2017). Traveling to Indigenous communities, participating in traditional ceremonies, and following their laws and protocols would have allowed survivors and families to speak about their trauma on their own terms. Also criticized was the slow pace of the project and lack of communication. Francyn Joe, interim president for NWAC at the time, said, "It is frustrating when you have families coming to you, especially at the vigil, and they're wanting answers now and there are no answers I can give right now because I know as much as they know, which is nothing," (Narine, 2016). It would be incredibly frustrating, after years of fighting for this Inquiry, to be kept in the dark.

Why Women? Why are women and Two-Spirit people targets of violence?

Why are women targets of violence? What counts as violence? How do we protect women and girls? What social change strategies can we use to spread awareness and effect change?

Barrie Levy (2008) delves into these topics and more in her book *Women and Violence*. While Levy does not focus on Indigenous women specifically, understanding why women are targeted is crucial to studying the Missing and Murdered Women and Girls crisis.

Levy quotes Liz Kelly's widely used definition of violence against women:

"behavior that is violent, uses physical force or threat, [and] is intimidating, coercive, [or] damaging to women"; it includes "physical, visual, verbal or sexual acts that are experienced by a woman or girl at the time or later as a threat, invasion or assault" and acts

“that have the effect of hurting or degrading her and/or taking away her ability to control contact (intimate or otherwise) with another individual.” (Levy, 2008, p. 12)

Kelly’s definition is important to understand because violence can come in many different forms. Many people disregard victims of stalking, verbal harassment, or any act of violence that is not physical. In MMIWG cases it is essential to not only acknowledge those missing and murdered, but also those who are harassed, emotionally abused, coerced, etc. If Canada’s government continues to cherry pick which violence deserves focus, they will never make progress in helping Indigenous Canadian women. Ignoring certain cases contributes to underreporting and lack of police aid. If policemen trained to understand different types of violence and their consequences, perhaps they would take reports more seriously. Although the term “violence” has been defined, it is difficult to pin down why it occurs and why women are heavily targeted.

Levy offers two perspectives that attempt to explain why women experience more violence than men. These are individual perspectives and sociocultural perspectives. Individual perspectives focus “on causes of violent behavior unique to individuals” (Levy, 2008, p. 25) while sociocultural perspectives focus on external causes such as cultural norms and society. The most popular individual perspective is that children learn abusive behavior from their parents. This theory has its merits, but cannot account for all violence against women. Another popular, and criticized, theory is that men who are violent against women have mental disorders. While this is true for some cases, it is not the main cause of violence. An example of a popular sociocultural theory is “cultural acceptance of violence” (Levy, 2008, p. 28). This is the idea that in North America, violence is seen as an acceptable means to an end. The cultural acceptance of violence theory does not hold up because some men are not violent toward women. There are

problems with each type of perspective which is why it is vital to have a multidimensional perspective.

Levy (2008, p. 30) states that a multidimensional perspective integrates, “social factors, such as class, gender, and culture, with individual characteristics, such as family history, psychopathology, and alcohol or drug use. Reluctance of institutions to intervene, cultural approval of violence, and social constructions of ‘masculinity’ contribute additional dimensions.” The multidimensional perspective combines many different potential reasons why men may be violent towards women including, but not limited to, mental or personality disorders, childhood trauma, social learning theories, family structure, cultural support, stress, and feminist theory (Levy, 2008, p. 30). In short, there is no single reason why women are targeted. It is a tangled web of various issues that each must be addressed individually in order to effectively work toward change.

Using a multidimensional approach is optimal for investigating the Missing and Murdered Indigenous Women and Girls crisis because it is such a complex problem. While the National Inquiry is a thorough account of the MMIWG crisis, there were gaps in research and flaws in the process. The Inquiry used a colonialist model of legal hearings, rather than Indigenous protocols (Walsh, 2017, p. 8). By using this colonialist model, the Commissioners perpetuated the white supremacy present in Canada since its founding. Moreover, this conveys that the Indigenous protocol is inadequate. Moving forward, it is crucial that we research the causes of the MMIWG crisis from all angles and use a multidimensional approach. Because there is no single reason why women are targeted, it is critical to study this crisis from every angle and combat all forms of violence against women as well as Two-Spirit people. Two-Spirit people have both a masculine and feminine spirit and refers to members of the 2SLGBTQQA community (Fewster,

n.d.). Women are targets of violence worldwide and it is crucial that concrete steps are taken to remedy this.

Some of the main goals of the National Inquiry included identifying the many causes of MMIWG, gathering testimonials and accurate data, creating a plan for healing, and ending this human rights crisis. During COVID-19, promises in the Final Report of the National Inquiry were postponed and pushed aside. It is essential for the protection of Indigenous women, girls, Two-Spirit, and gender diverse people that Canada does not let their demands fall to the wayside and become forgotten.

COVID-19 and the MMIWG Crisis

COVID-19 has drastically slowed any action towards ending the Missing and Murdered Indigenous Women crisis. The Canadian government has been using the pandemic as an excuse to stall taking action on the Calls for Justice. In October 2020, The Native Women's Association of Canada released a fact sheet entitled "Violence Against Indigenous Women, Girls, and 2SLGBTQIA people in Canada". This gave statistics and information about the increase in violence against Indigenous women since the beginning of the pandemic. According to the NWAC fact sheet (2020), "In May 2020, 17% have experienced violence (physically or psychologically) in the past three months, compared to 10% reporting violence from their spouse over the past five years in 2014." President of NWAC, Lorraine Whitman, said, "COVID-19 has highlighted the fact that Indigenous people are at higher risk due to systematic overcrowding, food insecurity, lack of clean water and inadequate health services and infrastructure." (Stefanovich, 2020). It is immensely disappointing that the Canadian government has acknowledged and understands the severity of the crisis, yet continues to drag their feet when it comes time to make real change.

On June 3, 2020, a year after the release of the final report, NWAC released a report card on government follow-up to the final report. The report card focuses on the rights violations in the four areas which the National Inquiry focused on. These areas are the right to culture, the right to justice, the right to health, and the right to security. The legend declares that if a section “fails”, it means that there has been no progress made on the commitment. NWAC gave the Canadian federal government a failing grade for each section because there had been no tangible follow-up on their promises. On June 3, 2021, the federal government released “2021 Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People National Action Plan”. This action plan looks no different than the Final Report. The National Action Plan (2021) outlines the short and long-term goals which, when achieved, will end the MMIWG crisis. However, these goals are still too broad for any real action to take place. For example, under goal 7, “Establish a culturally appropriate Indigenous data infrastructure reflective of Indigenous and 2SLGBTQQIA+ people, based on Indigenous data sovereignty and culturally rooted and distinctions-based indicators”, one of the short-term priorities is, “Address issues related to the accurate tracking of data on missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ people” (Government of Canada, 2021). These are important goals, but how are they going to take the steps to achieve them? There are no meaningful timelines provided in the action plan and no clear financial plans. They promise progress reports, yet the first was released May 23, 2022, three years after the release of the Final Report. Waiting three years to begin concrete work on this pressing human rights crisis is unacceptable. This is a time sensitive crisis, and the Canadian government is failing by dragging the process out, releasing plan after plan with no action. Because of these delays, many Indigenous Canadians fear that the 2016 National Inquiry will fail as others have in the past.

NWAC released “Canada’s MMIWG2S National Action Plan: Annual Scorecard” on June 3, 2022, one year after the release of the National Action Plan. Yet again, the government received a failing grade (Native Women’s Association of Canada, 2022). This is due to the lack of completion of most goals laid out in the National Action plan. Additionally, a lack of transparency about funding distributions makes it difficult to determine tangible progress. Of the thirty actions included in the National Action Plan, sixteen saw some progress while fourteen actions saw none. Though it seems positive that sixteen actions saw some progress in a year, this is not the case. One of the short-term projects which saw some action is “Public education/awareness campaigns on the issues that Indigenous people experience and to challenge the acceptance and normalization of violence”. All progress made on this goal does not specifically focus on the MMIWG crisis. NWAC reported that:

An investment of \$3.3 for National Public Education and Awareness Campaign as part of Canada’s Anti-Racism Strategy 2019–2022 based on regional and demographic needs that will be informed and developed with impacted communities and Indigenous Peoples” 11 and \$5 million to support community led digital and civic literacy programming to address online disinformation and hate speech. It is unclear what allocations there are to address MMIWG2S specifically. (Native Women’s Association of Canada, 2022, p. 14)

These investments not only neglect the MMIWG crisis, but also are not explicitly outlined in the National Action Plan Progress Report. Throughout the report, vague language is used leading to confusion about what has been accomplished. The report also includes community, regional, and grassroots level work in their assessment of progress (Native Women’s Association of Canada, 2022, p. 32). This gives the impression that the government is attempting to shroud their lack of progress. The National Action Plan Progress Report should include exclusively progress made on the national level. The genocide of Indigenous Canadian women, girls, and Two-Spirit individuals has only grown worse since the COVID-19 pandemic. Without immediate systemic

change, the crisis will continue to worsen. As Hilda Anderson-Pyrz, chair of the National Family and Survivors Circle, said, “each day of inaction in this area leads directly to the tragic loss of human life.” (Deer, 2022).

Conclusion

The Missing and Murdered Indigenous Women and Girls crisis is a human rights crisis that demands swift and concrete action from the Canadian government. Waiting is not an option. Once these concrete steps are taken, there must be accountability. They must not allow new programs or organizations to meet only the bare minimum legislative requirement. If the Calls to Action are met with half-baked solutions, Indigenous women, girls, and 2SLGBTQIA people will continue to be stolen from their communities. Elizabeth Brulé, Assistant Professor at Queen’s University, noticed the lackluster results of Bill 132, “The Sexual Violence and Harassment Action Plan Act”, in her classroom. She criticized the programming for lack of focus on the “Indigenous feminist antiracist perspective” (Brulé, 2018, p. 338). If there is a lack of accountability, I fear that similar issues will arise with programs that come from the Final Report. Many also fear that these programs will take years, even decades to be implemented considering the slow pace of the National Inquiry and the lack of progress three years later. COVID-19 is not a valid excuse for the lack of concrete action by the government. The government must stop promising action and start fulfilling the commitments laid out in the National Inquiry and National Action plan.

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