



CALL FOR JUSTICE 1.7 FINAL REPORT

**Prepared for The Honourable Gary Anadasangaree
Minister of Crown-Indigenous Relations
and Northern Affairs Canada**

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TABLE OF CONTENTS

- 1** Introduction
 - 3** An Urgent Need for Action and Accountability
 - 5** The Context for Call for Justice 1.7
 - 8** Key Meetings and Engagements
 - 13** Key Insights
 - The Origins and Function of an Ombudsperson
 - Confronting Rights Violations
 - A Focus on Important Gaps and Challenges
 - Improving Existing Accountability Mechanisms
 - 19** Reclaiming Power and Place: Recommendations to Centre the Priorities of Rights-Holders
 - 30** Next Steps: 'This Is All Our Business'
 - Moving Forward on Implementation
 - Suggested Implementation Timeline
 - 33** In Conclusion
 - 35** End Notes
- 

INTRODUCTION



The National Inquiry into Missing and Murdered Indigenous Women and Girls published its Final Report in 2019, including 231 Calls for Justice intended to address the root causes that sustain violence against First Nations, Inuit, and Métis women, girls, two-spirit and gender-diverse people. As the National Inquiry emphasized,

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

Among them, Call for Justice 1.7 calls on the federal, provincial, and territorial governments, in partnership with Indigenous Peoples, to establish a National Indigenous and Human Rights Ombudsperson with authority in all jurisdictions, and to establish a National Indigenous and Human Rights Tribunal.

The Calls for Justice, more broadly, align with the stated principles articulated by the Government of Canada. As the Prime Minister of Canada, the Right Honourable Justin Trudeau, stated on National Indigenous Peoples Day in 2017:

"No relationship is more important to Canada than the relationship with Indigenous Peoples... We are determined to make a real difference in the lives of Indigenous Peoples – by closing socio-economic gaps, supporting greater self-determination, and establishing opportunities to work together on shared priorities."

In addition, the mandate letter¹ for the department of Crown-Indigenous Relations and Northern Affairs directing the Minister to implement the United Nations Declaration on the Rights of Indigenous Peoples and to work in partnership with Indigenous Peoples to advance their rights

also notes that "reconciliation cannot come without truth and our Government will continue to invest in that truth. As Ministers, each of us has a duty to further this work, both collectively and as individuals."

Noting the **"profound systemic inequities and disparities that remain present in the core fabric of our society, including our core institutions,"** the mandate letter specifically identifies the implementation of the 2021 Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ People² and advancing the 2021 National Action Plan as key priorities.

In fulfilment of this mandate, in January of 2023, the Government of Canada organized an inaugural National Roundtable³ of Indigenous Leaders and Representatives and Federal-Provincial-Territorial Ministers on Missing and Murdered Indigenous Women, Girls, and 2SLGBTQI+ People. At the roundtable, the federal Minister of Crown Indigenous-Relations and Northern Affairs Canada (CIRNAC) announced the appointment of a Ministerial Special Representative to provide advice and recommendations on the implementation of Call for Justice 1.7, and specifically the creation of an Indigenous and Human Rights Ombudsperson.

The Ministerial Special Representative acknowledges the leadership of The Honourable Gary Anandasangaree, Minister of Crown-Indigenous Relations, who is responsible for carrying the work on Call for Justice 1.7 forward. The Ministerial Special Representative also acknowledges the leadership of The Honourable Marc Miller, former Minister of Crown-Indigenous Relations and current Minister of Immigration, Refugees and Citizenship, for recognizing the importance of, and initiating the work on, Call for Justice 1.7. Support from the Office of the Minister of Crown-Indigenous Relations and the department is also gratefully acknowledged, as is the dedication of the MMIWG Secretariat.

The Ministerial Special Representative reports directly to the Minister and is independent of the federal bureaucracy, with a mandate to meet with national and regional Indigenous organizations, as well as existing government accountability entities, federal government departments, and provincial and territorial lead departments for Missing and Murdered Indigenous Women, Girls, Two-Spirit and Gender-Diverse People (MMIWG2S+) to gather information and provide advice and recommendations on the way forward.

This report represents meetings, including engagements and validations with First Nations, Inuit, and Métis organizations and governments, Indigenous women's organizations, those dedicated to (MMIWG2S+), and urban, rural, and northern Indigenous organizations, all

of which include families and survivors, to further explore the urgent need for, and implications deriving from, Call for Justice 1.7. Advice and recommendations on the creation of a National Indigenous and Human Rights Tribunal are outside the scope of the mandate of the Ministerial Special Representative.

As the engagements made clear, a new Indigenous-specific human rights institution is required to advance the fulfilment of the rights of First Nations, Inuit, and Métis Peoples, and specifically of Indigenous women, girls, and 2SLGBTQIA+ (two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, plus the many other affirming ways people choose to self-identify) people, wherever they reside and regardless of status.



AN URGENT NEED FOR ACTION AND ACCOUNTABILITY

Family members who have lost loved ones and Indigenous advocates expressed very clearly throughout the National Inquiry and the engagement process on Call for Justice 1.7 that they believe there has been **little action compounded by a lack of accountability**. They have shared that striking committees does not constitute action. Continuous consultation does not constitute action. Words filled with good intentions do not constitute action. A recent comprehensive review of progress on the Calls for Justice by CBC⁴ determined that **only two of 231 Calls for Justice are complete**, and more than 50 per cent have not been started. First Nations, Inuit, and Métis people reiterated throughout the engagement process that work on the remaining 231 Calls for Justice must begin, and not wait for Call for Justice 1.7 to be implemented.

The Royal Commission on Aboriginal Peoples,⁵ Aboriginal Justice Inquiry,⁶ Truth and Reconciliation Commission of Canada,⁷ and National Inquiry⁸ all speak in broad terms about systemic change and in some cases, more specifically about the need for accountability. The Aboriginal Justice Inquiry of Manitoba (AJI) was established in 1988 to inquire into the circumstances surrounding the murder of Helen Betty Osborne and the shooting of J.J. Harper by the Winnipeg Police Service. On the issue of accountability, the AJI noted that not only has the justice system failed Indigenous people – it has denied them justice at all. In the Royal Commission on Aboriginal People (RCAP), which reported in 1996, Commissioners noted the importance of rebalancing political and economic power to support reparation and accountability. More than 25 years since the RCAP released its report, calls for a separate Auditor-General responsible to Indigenous Peoples have not been fulfilled.

Amnesty International's 2004 report *Stolen Sisters: A Human Rights Response to Violence and Discrimination against Indigenous Women in Canada*,⁹ and British Columbia's 2012 *FORSAKEN - The Report of the Missing Women Commission of Inquiry*,¹⁰ are two reports foundational to documenting and raising awareness of the rights violations, discrimination, and violence that leads to Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQA+ People. In the final report of the Truth and Reconciliation Commission of Canada (TRC),¹¹ published in 2015, Survivors demanded accountability and issued 94 Calls to Action¹² – most of which, by external reporting and assessment, have not been fulfilled¹³. As a report¹⁴ by the Yellowhead Institute has noted, "[H]ealing can only come after the truth, and justice and accountability for what happened to the children are essential to the process" (p. 39).

All of these reports, as noted in the National Inquiry's Interim Report, conclude that the solutions to ending violence must be led by self-determining Indigenous people, communities and Nations, and be inclusive of family members and survivors¹⁵. The Truths in these reports, including the final report of Quebec's Viens Commission¹⁶, compels a legal responsibility to change – nothing less than transformational change – which includes structures to support accountability.





“

We need more than symbolism, we need structural change, enough is enough.

Work that directly responds to MMIWG2S+ is critical and we can no longer wait for systems change while Indigenous women continue to lose their lives. Immediate solutions must be implemented to mitigate this crisis.

”

THE CONTEXT FOR CALL FOR JUSTICE 1.7



Well documented gaps¹⁷ in life expectancy, health outcomes, education, income, and almost every other metric are evidence that existing human rights protection mechanisms are not enough to protect the rights of First Nations, Inuit, and Métis Peoples, and specifically of Indigenous women, girls, and 2SLGBTQQIA+ people¹⁸. The issue of MMIWG2S+, reinforced by statistics from the Canadian Femicide Observatory for Justice and Accountability¹⁹ at the University of Guelph and others, emphasizes the disproportionate nature of the violence. As these realities make clear, and as found by the National Inquiry into Missing and Murdered Indigenous Women and Girls,²⁰ racism, patriarchy, misogyny, and discrimination are entrenched in our systems and structures, and the cumulative effect is genocide.

The National Inquiry into Missing and Murdered Indigenous Women and Girls began its work in 2016, based in part on the TRC's Call to Action 41.2, which directed the federal government to establish a public inquiry into "the causes of, and remedies for, the disproportionate victimization of Indigenous women and girls" given the "sweeping history" of violence noted in the TRC's Legacy volume. In tandem, decades of work by family members and survivors still searching for justice spurred the process that would unfold. The mandate of the National Inquiry was broad and complex, including reporting on the systemic causes of all forms of violence against Indigenous women and girls, including sexual violence, and examining the underlying social, economic, cultural, institutional, and historical causes that contribute to the ongoing violence experienced by First Nations, Inuit, and Métis women and girls in Canada.

Based on its Truth-Gathering process, which included nearly 3,000 people testifying and sharing their experiences through community hearings, statements, guided dialogues, the Legacy

Archive, and via Parties with Standing, as well as dedicated workshops to co-develop Calls for Justice with those most impacted, the National Inquiry developed Call for Justice 1.7 because **families and survivors told the Inquiry that there was no simple, barrier-free, trauma-informed way for them to address inequities in government programs and services that result in rights violations.**

In response to the National Inquiry's Final Report, the Government of Canada prepared its own response: The Federal Pathway,²¹ the Government of Canada's contribution to the National Action Plan. It outlines the government's commitments to end violence against Indigenous women, girls, and 2SLGBTQQIA+ people. It identifies accountability as a key priority through health and justice.

As part of the larger whole, the Federal Pathway is intended to contribute to the 2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan, co-developed in collaboration with the National Family and Survivors Circle and contributing partners. This plan more directly addresses the importance of Call for Justice 1.7 and of accountability more generally. As an example, a pillar of the National Family and Survivors Circle is accountability to ensure that the recommendations and calls made over decades and by the National Inquiry are implemented in full. As noted in its preamble to this document, "The process and outcomes must have accountability mechanisms in place to measure transformative change."²² Further, one of the central goals of the National Action Plan, as well as a listed short-term priority, includes **the development of a national Indigenous human rights accountability mechanism focused on Indigenous human rights** that include inherent, Treaty, and Constitutional rights, which also relates to Call for Justice 1.7. The National Action Plan calls for oversight bodies, such as an Indigenous Ombudsperson, Human

Rights Tribunal, or civilian police oversight bodies to represent the interests of families, survivors, and communities by investigating and addressing complaints of maladministration or violation of rights.

The MMIWG2S+ Urban Indigenous Action Group and the 2SLGBTQQIA+ Committee National Action Plans outline unique jurisdictional challenges including erasure of rights, along with opportunities and solutions in the urban context, which must be considered in the work of an Ombudsperson.

As previous work clearly asserts, this issue is both about accountability and about Indigenous and human rights. All human beings have **human rights**. First Nations, Inuit, and Métis Peoples also have inherent, collective **Indigenous rights** that flow from being the Original People of the land now known as Canada, and within these collective rights includes the legal acknowledgement of Indigenous women as individual rights holders. This includes the right to independence through self-determination in areas such as governance, land, resources, and culture. Indigenous rights, laws, and legal traditions are recognized by Section 35 of the Constitution Act, 1982²³ and repeatedly affirmed by the Supreme Court of Canada, as are Treaty rights.

Despite new and broader commitments such as the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA),²⁴ a legal source for the interpretation of the United Nations Declaration on the Rights of Indigenous Peoples within Canadian law, the rights of Indigenous peoples are not always recognized or respected by governments even with expensive, time consuming, legal action. Among its provisions, UNDA commits Canada to exploring, in consultation and cooperation with First Nations, Inuit, and Métis Peoples, measures related to monitoring, oversight, recourse, or remedy or other accountability measures that will contribute to the achievement of those objectives.

"Huge. 1.7 is just so big."

"This has the potential to alleviate suffering."

"A very good and reasonable option."


"History will make this right all the way."





CALL FOR JUSTICE 1.7



We call upon the federal, provincial, and territorial governments, in partnership with Indigenous Peoples, to establish a National Indigenous and Human Rights Ombudsperson, with authority in all jurisdictions, and to establish a National Indigenous and Human Rights Tribunal.



The ombudsperson and tribunal must be independent of governments and have the authority to receive complaints from Indigenous individuals as well as Indigenous communities in relation to Indigenous and human rights violations, and to conduct thorough and independent evaluations of government services for First Nations, Inuit, and Métis people and communities to determine compliance with human and Indigenous rights laws.



The ombudsperson and the tribunal must be given sufficient resources to fulfill their mandates and must be permanent.

KEY MEETINGS AND ENGAGEMENTS



The scheduling of meetings and engagement began on April 3, 2023, and have included primarily virtual discussions with **more than 600 people representing more than 125 organizations and governments** including national and regional Indigenous organizations, as well as a number of existing government accountability entities, federal government departments, and provincial and territorial MMIWG2S+ lead departments. An initial contact list was provided by the CIRNAC MMIWG Secretariat, and individuals and organizations were added as suggested by meeting participants, within the time constraints of the mandate.

The majority of meetings and engagements involved small groups of people to allow for substantive discussion lasting up to two and a half hours at a time. Initial meetings and engagements were followed by validation meetings with Indigenous organizations and governments to confirm and evolve the co-developed recommendations. Meetings with Indigenous organizations and governments included impacted family members.

All insights in this report come from the guidance and advice of families and survivors, and First Nations, Inuit, and Métis leaders and citizens who shared their time, their Truths, and their expectation that there will be accountability and change.

In addition, many people from non-Indigenous accountability entities and governments also generously shared their perspectives. The self-reflection, honesty, and desire to contribute to change is deeply valued and appreciated.

National Indigenous Organizations

- Assembly of First Nations – Women's Council
- Inuit Tapiriit Kanatami
- Métis National Council
- Native Women's Association of Canada and affiliated women's organizations
- Pauktuutit Inuit Women of Canada
- Infinity Women Secretariat
- National Association of Friendship Centres including representatives from the Friendship Centre network of centres and provincial-territorial associations
- Congress of Aboriginal Peoples
- 2 Spirits in Motion Society
- MMIWG2S+ Urban Action Group – National Action Plan
- National Family and Survivors Circle – National Action Plan including individual meetings with circle members
- 2SLGBTQQIA+ Committee – National Action Plan
- Les Femmes Michif Otipemisiwak
**preliminary meetings*



Regional Indigenous Organizations

**in alphabetical order*

- Aboriginal Women's Association of PEI
- Amautiit Nunavut Inuit Women's Association
- Assembly of First Nations Quebec – Labrador
- BC First Nations Leadership Council – BC Assembly of First Nations, First Nations Summit, Union of British Columbia Indian Chiefs
- BC MMIWG2S+ Coalition including representation from family members, Amnesty International, BC Assembly of First Nations, BC Coastal Health, BC Family Services, BC Federation of Labour, BC First Nations Justice Circle, BC Native Women's Association, Downtown Eastside Women's Centre, First Nations Summit, Native Courtworker and Counselling Association of BC, Tears to Hope Society, Union of British Columbia Indian Chiefs, Vancouver Aboriginal Community Policing Centre, and West Coast Leaf
- British Columbia Native Women's Association
- Downtown Eastside Women's Centre
- Esquao Institute for the Advancement of Aboriginal Women
- Giganawenimaanaanig Manitoba MMIWG2S+ Implementation Committee including representation from family members, City of Winnipeg, Infinity Women Secretariat, Ka Ni Kanichihk, Ma Mawi Wi Chi Itata Centre, Manitoba Keewatinowi Okimakanak, Manitoba Moon Voices, Province of Manitoba, Southern Chiefs' Organization, The Pas Family Resource Centre, Tunngasugit, University of Manitoba, and Wahbung Abinoonjiiag
- Indigenous Women of the Wabanaki Territories
- Inuvialuit Regional Corporation
- Manitoba Moon Voices Inc.
- Métis Nation of Alberta
- Métis Nation of BC
- Native Women's Association of the NWT
- Native Women's Shelter of Montreal
- New Brunswick Aboriginal Peoples Council
- Newfoundland and Labrador and Nunatsiavut regional MMIWG2S+ leaders including representation from family members, the AnânuKatiget Tumingit Regional Inuit Women's Association and Newfoundland Aboriginal Women's Network
- Ontario Native Women's Association
- Prince Edward Island regional MMIWG2S+ leaders including representation from the Mi'kmaq Confederacy of PEI and the Native Council of PEI
- Quebec Native Women / Femmes Autochtones du Quebec
- Saskatchewan regional Indigenous organizations and MMIWG2S+ leaders including representation from family members, Aboriginal Friendship Centres of Saskatchewan, Central Urban Métis Inc., Federation of Saskatchewan Indigenous Nations, Iskwewuk E-wichiwitochik (Women Walking Together), Métis Nation of Saskatchewan, Saskatchewan First Nations Women's Commission, and 2 Spirits in Motion
- Women of the Swift Flowing River Cultural Network Inc.
- Yukon regional MMIWG2S+ leaders including representation from family members, the Liard Aboriginal Women's Society, Yukon Advisory Council on Women's Issues, and Whitehorse Aboriginal Women's Circle
- 2SLGBTQQIA+ regional leaders including representation from the Edmonton 2 Spirit Society and the Manitoba Metis Federation Two-Spirit Michif Local



Accountability Entities

**in alphabetical order*

- British Columbia Ombudsperson
- Canadian Association of Statutory Human Rights Agencies (Human Rights Commissioners and Commissions from 12 provinces and territories)
- Canadian Council of Parliamentary Ombudsman (Ombudspersons from 12 provinces and territories)
- Canadian Human Rights Commission
- Chief Coroners and Medical Examiners from across Canada
- Civilian Review and Complaints Commission for the RCMP
- Federal Ombudsperson for Victims of Crime
- Forum of Canadian Ombudsman (membership includes a broad range of Ombudspersons from across Canada)
- Indigenous Services Canada Internal Ombudsperson
- Manitoba Ombudsman
- Office of the Auditor General
- Ontario Chief Coroner

Federal Government Departments and Entities

**in alphabetical order*

- Assistant Deputy Minister Steering Committee on MMIWG 2SLGBTQIA+
- Correctional Service Canada – Indigenous Corrections
- Crown-Indigenous Relations and Northern Affairs Canada
- Indigenous Services Canada
- Justice Canada – Indigenous Rights and Reconciliation
- MMIWG2S+ Federal-Provincial-Territorial Working Group
- Public Safety Canada
- RCMP Indigenous Policing and Crime Prevention

Provincial and Territorial Government MMIWG2S+ Lead Departments and Councils (as identified by provinces and territories)

**in alphabetical order*

- Alberta – Minister of Indigenous Relations and Director of Indigenous Relations
- Alberta Premier's MMIWG2S+ Advisory Council
- British Columbia – Assistant Deputy Minister of Community Safety and Assistant Deputy Minister of Crime Prevention and Justice Services
- Manitoba – Minister of Families, Minister of Housing, Addictions and Homelessness, and Deputy Minister of Indigenous Reconciliation and Northern Relations
- New Brunswick – Acting Assistant Deputy Minister of Women's Equality
- New Brunswick Advisory Committee on Violence Against Indigenous Women, Girls and 2S+ People
- Newfoundland and Labrador – Assistant Deputy Minister Justice and Public Safety
- Northwest Territories – Deputy Secretary to Cabinet
- Nova Scotia – Office of L'nu Affairs and Intergovernmental Affairs
- Nunavut – Minister of Family Services, Status of Women, Homelessness and Poverty Reduction
- Ontario – Minister of Community and Children, Assistant Minister of the Office of Women's Social and Economic Opportunity, Assistant Deputy Minister of the Office of Women's Issues, Assistant Deputy Minister of Indigenous Affairs and staff
- Ontario Indigenous Women's Advisory Council – Anishinabek Nation, Association of Iroquois and Allied Indians, Chiefs of Ontario, Independent First Nations, Nishnawbe Aski Nation, Ontario Federation of Indigenous Friendship Centres, Ontario Native Women's Association, Ontario Office of Women's Social and Economic Opportunity Province of Ontario, and Six Nations of the Grand River



- Prince Edward Island – Executive Council Office Indigenous Relations Secretariat
- Quebec – Indigenous Affairs Secretariat and Office of the Minister Responsible for First Nations and Inuit Relations
- Saskatchewan – Assistant Deputy Attorney
- Yukon – Minister responsible for Women and Gender Equity and Women and Gender Equity Directorate
- Yukon Advisory Committee Accountability Forum on MMIWG2S+
- Yukon Advisory Council on Women's Issues – MMIWG2S+ family representative, Liard Aboriginal Women's Society, Minister responsible for Women and Gender Equity, Yukon Aboriginal Women's Council, Yukon First Nations, and Whitehorse Aboriginal Women's Circle

Legal and Rights Experts

- Mrs. Sophie Marchildon, LLB., LLM, Administrative Judge and Mediator at the Canadian Human Rights Tribunal
- Indigenous legal scholars

Other

- Presentation to the Standing Senate Committee on Indigenous Peoples (APPA)
- National Council of Women of Canada

** a small number of organizations did not respond to invitations to meet*



“

We are not being taken seriously.
It is frustrating, insulting, and exhausting.

If women go missing, generations
are wiped out.

”



As those engaged through this process made clear, Indigenous people in Canada, and Indigenous women, girls, and 2SLGBTQQIA+ people are living in a **state of emergency**. Indigenous women, girls, two-spirit, and gender-diverse people continue to go missing and are murdered in an unabated and ongoing epidemic of violence. The root causes of these murders and disappearances, as identified in the Final Report of the National Inquiry into Missing and Murdered Indigenous

Women and Girls, include unresolved intergenerational and multigenerational trauma, social and economic marginalization, a lack of will by governments resulting in maintaining a status quo that includes system racism and oppression, and the denial of the expertise and agency of Indigenous women, girls, and 2SLGBTQQIA+ people. **As such, the work to better support safety and to provide mechanisms through which rights violations can be pursued is urgent.**

“

As women, it is astonishing how we are treated. How our voices are still not heard, how we are ignored. If women were not standing here today, there would be no men, no children.

The ongoing failure of systems to protect Indigenous women has resulted in violence continually being perpetuated against them. This violence illustrates the consequences of what happens when there are not adequate, Indigenous women-led responses for Indigenous women's safety.

”

KEY INSIGHTS



The Origins and Function of an Ombudsperson

An Ombudsperson, also sometimes called an Ombudsman, Citizens Representative, or Protecteur du Citoyen, is someone who receives, investigates, reports on, and helps to resolve complaints and determine compliance with principles of fair and reasonable treatment by orders of government including determining consistency with human rights laws.

The concept originated in Sweden more than 200 years ago and there are Ombudspersons²⁵ with statutory mandates for all Canadian provinces and two of three territories, some cities, and some specific federal areas of responsibility. In addition, there are non-statutory Ombudspersons for some banks, some colleges and universities, and a handful of other organizations. While the size of an Ombuds Office varies greatly, usually Ombudspersons have trained staff who work for them, including intake specialists, investigators, researchers, mediators, and lawyers.

There are currently no Ombudspersons with Indigenous-specific mandates to safeguard Indigenous rights, despite the significant and well-documented disparities between Indigenous and non-Indigenous peoples in Canada.

As engagement participants made clear, an Ombudsperson is not an Indigenous construct and its role will need to be co-created to respond to First Nations, Inuit, and Métis rights and priorities, rather than remain based on the colonial system model. If this is done well and appropriately, many First Nations, Inuit, and Métis engagement participants believe this Indigenous and Human Rights Ombudspersons model can lead transformative change.

In one of the early engagements, a Knowledge Keeper spoke of the sweetgrass braid teaching. It is not just the braiding that makes it strong,

but the finishing, and if the braid is not tied properly, it will unravel and come apart.

First Nations, Inuit, and Métis engagement participants stated throughout the engagement and validation process that it is our role and our responsibility to come together and ensure that this work is finished properly and in a good way, so there is accountability, justice, safety, healing, and ultimately peace. It is critical to have government accountability and it is the clear responsibility of all governments to act on all the Calls for Justice. It is a sacred responsibility, so engagement participants ask that we bring our good minds together.

Confronting Rights Violations

As noted in the National Inquiry's Principles for Change, through which all Calls for Justice should be interpreted, Indigenous women, girls, and 2SLGBTQQIA+ people are holders of inherent Indigenous rights, constitutional rights, and international and domestic human rights, and many Indigenous Peoples in Canada are also rights holders under various Treaties, land claims, and settlement agreements. Human and Indigenous rights obligations arise from international and domestic human and Indigenous rights laws, including the Charter, the Constitution, and the Honour of the Crown.

As such, and as noted within the National Inquiry's Final Report, "All actions and remediation to address root causes of violence must be human and Indigenous rights-based with a focus on substantive equality for Indigenous Peoples." Further, First Nations, Inuit, and Métis women and 2SLGBTQQIA+ people, who also suffer from layers of systemic misogyny, paternalism, and gender discrimination that compound the challenges they may face, should be included and centred in considerations around substantive equity.

Rights concerns were raised repeatedly by First Nations, Inuit, and Métis participants throughout the engagement process on Call for Justice 1.7, in reference to considering the potential scope and function of an Ombuds Office. Participants shared the following, requesting that these concerns inform the priorities of the Ombudspersons and their offices.

The Right to Health and Wellness

Participants cited numerous concerns around the right to health and wellness, taking a holistic view that links the right to health and wellness to the right to culture.

Concerns expressed included:

- Racism, and fear of going to the hospital
- Mental wellness and the lack of high quality, culturally safe addiction services
- The patchwork of healing services and a call to reinstate the Aboriginal Healing Foundation
- The importance of addressing health outcome disparities, and inadequate health care infrastructure in Indigenous communities
- Ongoing challenges and disparities within the Non-Insured Health Benefits Program and the structural inequity evident by the disparity between NIHB travel rates and other

federal rates for programs that primarily serve non-Indigenous people

- The centrality of language and culture as medicine, and the lack of equitable funding to support First Nations, Inuit, and Métis languages when compared with colonial languages

"You lose a part of your being if culture and language are gone."

The Right to Justice

As reflective of the perspectives received from both urban and rural participants and from those engaged from all distinctions, access to justice remains a fundamental issue facing many Indigenous women and 2SLGBTQQIA+ people, with particular impacts, as well, on First Nations, Inuit, and Métis youth.

Concerns expressed included:

- Quality of policing, racism, and the over and under policing of Indigenous people and communities
- Systemic issues within the justice system, including but not limited to overcrowding in prisons and lack of supports during incarceration

See how Creator has worked here. People have been praying for this... for change. We are not alone, the spirits of our Ancestors can come and help us bring our good minds together.



- The need for a new classification of offender under the criminal code related to definitions of dangerous offenders that better reflect the realities of Indigenous women's experiences of intimate partner violence and family violence
- Expanded access to legal aid and to Gladue, and the lack of culturally appropriate legal services
- The need for greater access to legal resources and assistance, particularly in cases involving rights violations
- The priority to establish Indigenous death review committees and to conduct more inquests into cases of violence against Indigenous women, girls, and 2SLGBTQQIA+ people

"The police could not find anything because they did not look."

The Right to Safety, Security, and Protection

For many who shared their stories and perspectives, the fundamental rights associated with ongoing searches for loved ones must be included in the scope of an Ombuds Office, to reflect the lack of recourse that often exists for those not properly supported in their right to safety, security, and protection.

Concerns expressed included:

- Better missing persons legislation and the establishment of a national Red Dress Alert to notify the public when an Indigenous woman, girl, or 2SLGBTQQIA+ person goes missing
- Services and supports to find those who are missing, including searching known locations such as landfills for the sacred remains of women
- Services and supports for the children left behind when a woman is murdered or goes missing
- Interjurisdictional issues that allow predators in positions of authority to move from one jurisdiction to another to avoid consequences

"Indigenous women, girls, and 2SLGBTQQIA+ people should not have to negotiate their safety to get their basic needs met."

The Right of Families to Stay Together in the Best Interests of the Child

As noted in many instances, the importance of keeping families together and its link to more positive outcomes for First Nations, Inuit, and Métis children, are key considerations in framing the mandate or focus of an Indigenous Ombuds Office.

Concerns expressed included:

- The disruption of the sacred bond with families and the devastating impact of birth alerts due to the lack of investment in families that would prevent apprehension
- The lack of preparation for aging out of the child welfare system

The Right to Housing

As the housing crisis in Canada has accelerated, Indigenous people are often most impacted. As participants shared, a safe place to call home for Indigenous women, girls, and 2SLGBTQQIA+ people remains an important priority for recourse and accountability.

Concerns expressed included:

- The shortage of safe, affordable places to live including the critical need for transitional housing
- The lack of shelters in rural and remote communities
- Human trafficking in the shelter sector



“
We have nowhere to turn.
”

The Right to Social Services and Dignity

As many documented during the National Inquiry and in other forums since, including during the engagements that informed this report, Indigenous women, girls, and 2SLGBTQQIA+ people require structural change that will ensure human dignity and access to services, and recourse mechanisms under which they can appeal when these rights are not respected. Concerns expressed included:

- The call for basic income and economic empowerment to counter state manufactured poverty
- Systemic underfunding and the chronic lack of investment in First Nations, Inuit, and Métis people and communities, in particular Indigenous women's organizations and 2SLGBTQQIA+ organizations; participants highlighted the number of pilot projects and noted the pilot model as well as project-based funding are not sustainable and will not achieve change
- Significant barriers such as navigating federal websites and extended and expensive multi-hour phone holds to speak to federal public servants, for example when requesting an update on a status card renewal or application; status card service delivery times are officially 8 – 12 weeks, but can take up to 6 months, while passport application service delivery standards are between 10 and 20 business days
- Jurisdictional wrangling that denies rights to First Nations, Inuit, and Métis people in myriad ways

“Poverty is criminalized in the city.”

The Right to Education

As is clear from available data, alongside the firsthand accounts of those engaged during this process and through other truth-sharing mechanisms, the right to education remains unrealized for many First Nations, Inuit, and Métis children. The ability to appeal matters related to rights violations in the area of access to education or to funding is a key priority for accountability. Concerns expressed included:

- The challenges of poor quality education due to underfunded schools that serve Indigenous children and youth, and the significant impact of racism within educational systems on graduation rates, future employment and the social determinants of health
- The need to honour Indigenous rights to culturally relevant and respectful education, including land-based instruction

The Right to Our Sacred Lands, Waters and Treaty Rights

As central to wellbeing and health, to cultural rights, and to human dignity, access to sacred lands, waters and to Treaty rights are an important part of the function of defending rights.

Concerns expressed include:

- Challenges around land ownership, resource extraction, and land dispossession
- Ongoing water quality issues and general infrastructure needs in First Nations, Inuit, and Métis communities
- The need to finally and fully honour the Treaties

A Focus on Important Gaps and Challenges

Throughout the engagement process, First Nations, Inuit, and Métis participants identified several key gaps and challenges in the defence of their rights in Canada.

These included:

- There is **no category of rights complaint specific to Indigenous Peoples** in Canada. This is a failure to acknowledge First Nations, Inuit, and Métis identity as grounds for human rights complaints, not to mention the intersectional systems of oppression when identifying as female and Indigenous, as two-spirit and Indigenous, or as transgender and Indigenous.
- There is no independent place to make a complaint about most federal government services as there is **no overarching federal Ombudsperson** of general jurisdiction over federal government services. There is no independent oversight of Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada, two departments that exist to serve Indigenous Peoples. While there are a number of accountability mechanisms in Canada, including human rights commissions and tribunals, provincial and territorial ombudspersons, and others with very specific or limited mandates, they are not well known or accessible to most First Nations, Inuit, and Métis people and there is little knowledge and expertise on Indigenous rights or laws including Treaty rights within existing mechanisms.
- There is **significant mistrust** in governments and affiliated authorities. There is an understandable skepticism that these authorities will uphold Indigenous and human rights, in the context of the legacy of residential schools and day schools, the Sixties Scoop, and ongoing child welfare and MMIWG2S+ crises.
- The existing mechanisms rarely reflect Indigenous people within their organizations and not at senior levels meaning there is **little representation**. While organizations are each at different points on the spectrum, some appear not to have adopted a trauma-informed approach, few offer the support of Elders and Knowledge Keepers, and many are not yet culturally safe. This reality is often compounded by a **lack of knowledge** about First Nations, Inuit, and Métis Peoples and Canada's colonial history, and by a **lack of lived experience** for staff within government and affiliated authorities. While there is a need to build and support capacity within existing non-Indigenous institutions and entities, due to systemic and structural issues and entrenched behaviors existing accountability entities are not enough to assure First Nations, Inuit, and Métis rights.
- There is a **lack of timeliness** with some accountability mechanisms, and delays can discourage the filing of a complaint when recourse can take not days or weeks but months and even years. In some cases **significant resources**—both time and money—such as the hiring of a lawyer, are required to successfully participate which acts as a barrier to access for First Nations, Inuit, and Métis people.
- There are in many cases the **absence of monitoring, investigative, and enforcement tools**. And often, in part due to under-resourcing, the existing mechanisms are inherently reactive, and not proactive.
- There can also be **significant jurisdictional issues**. A mechanism is needed that can address rights violations wherever they occur and there is precedent – the National Inquiry was an example of Canada and the provinces and territories coming together to agree on a shared priority.

Improving Existing Accountability Mechanisms

While participants emphasized the need for an Indigenous-focused mechanism, they also raised the importance of continuing to improve the mechanisms that already exist, through building trust and better meeting the needs and reflecting the diversity of First Nations, Inuit, and Métis citizens and communities. Participants suggested that the National Indigenous and Human Rights Ombuds Offices could provide training to other accountability entities so that they better serve Indigenous people.

Advice to existing accountability entities included:

1. Keep **families at the heart** of any process and allocate resources to allow families and communities to fully participate in processes, such as inquests;
2. **Prioritize the safety** of Indigenous women, girls, and 2SLGBTQQIA+ people and the culturally grounded supports and services required for healing and prevention of future loss of life;
3. **Create safe processes** and review internal processes to minimize the recounting of traumatic experiences;
4. **Reduce bureaucratic hurdles** and barriers in all ways, including supporting access through a broad range of technologies such as phone, email, and text, and by extending hours to weekends and evenings and reducing any unnecessary paperwork;
5. Increase staffing levels to **reduce the backlog** of cases and delays where they exist and improve response times, and in doing so increase representation and ensure that First Nations, Inuit, and Métis people are represented within every accountability entity, organization, and government department in meaningful numbers at all levels in an environment that does not require Indigenous staff to leave their Indigeneity at the door;
6. Mandate and **resource public education and awareness** about Indigenous and human rights and increase awareness of the existence of accountability entities

7. **Commit to improve the collection and dissemination of data on First Nations, Inuit, and Métis identity and gender identity** on intake to be able to track, through an evidence-based lens, how needs are being met or not met and changes over time, while working to support Indigenous-led data collection and analysis within the context of Indigenous Data Sovereignty, through funding and support for First Nations, Inuit, and Métis statistical capacity;

8. **Increase knowledge of First Nations, Inuit, and Métis laws**, and interpret all Canadian laws in light of the United Nations Declaration on the Rights of Indigenous Peoples, specifically: Article 22

- 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.

9. **Build relationships, credibility, and trust**, work in respectful service, recognize systemic racism, look for every potential opportunity, and co-develop solutions in true partnership with First Nations, Inuit, and Métis people and families; and

10. **Acknowledge that change is needed and make it an organizational priority** to collaboratively transform, be open to learning, and practice cultural humility.



“
I would not even know where to look to file a complaint.
There is no information anywhere. We don't know
where to go to file a complaint.”

RECLAIMING POWER AND PLACE: RECOMMENDATIONS TO CENTRE THE PRIORITIES OF RIGHTS-HOLDERS

Unanimously, Indigenous participants engaged in discussions around Call for Justice 1.7 identified the need for additional accountability mechanisms. However, all participants stressed that getting the details right around the implementation of Call for Justice 1.7 will determine the success of the Ombudspersons and their offices. The creation of National and Regional Indigenous and Human Rights Ombudspersons needs to be Indigenous led and firmly grounded in the rights and priorities of First Nations, Inuit, and Métis people.

**“Do not make this an ivory tower,
brown people to do a white man's
job to maintain colonial systems.”**

Participants expressed that Canada has an opportunity to bring Call for Justice 1.7 to life in a way that is credible, brave, and proactive.

The following recommendations were raised through the engagement process by participants as a way to ensure that colonial constructs do not impede the functions of this new office.

However, as the Commissioners of the Mass Casualty Commission noted in Volume 6 of their Final Report²⁶ which addresses implementation barriers, “the gap that has often arisen between recommendations for change and action for change has prompted some to question whether the word “recommendation” carries an adequate sense of urgency, necessity, or even mandatory compliance.” Therefore, the following recommendations should be understood as urgent actions, with the single most critical action being to **move forward with haste to create a new Indigenous and Human Rights accountability entity.**

Overarching Recommendations

Recommendation:

A National and Regional Scope

- Indigenous engagement participants developed the concept of **four National Indigenous and Human Rights Ombudspersons, one First Nations, one Inuit, one Métis, and one urban Indigenous**. The four Ombudspersons will respect and reflect distinctions, while working together in one office in the National Capital Region to protect and defend all Indigenous and human rights.
- Further, there must be **regional offices in each province and territory** led by a Regional Ombudsperson. These 13 offices will ensure that the regional diversity of First Nations, Inuit, and Métis cultures, languages, customs,

practices, protocols, and legal traditions throughout Canada are reflected. **The 13 Regional Ombudspersons and their offices should collaborate with and work for all Indigenous peoples within their region and report to the National Indigenous and Human Rights Ombudspersons**, who will in turn work with, support, and be accountable for the work of the Regional Ombudspersons.

- To be more present and to build relationships, each regional office will require a **mobile or 'pop up' presence** that can continuously travel within each region, to receive complaints, provide **education and awareness of rights** and rights workshops, and ensure the offices are truly accessible.

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The idea of regional offices is the right way to think about this. People do not know their rights.

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Recommendation: Establishing the Foundations

- The National and Regional Indigenous and Human Rights Ombudspersons shall have **jurisdiction over all federal departments, agencies, boards, commissions, and other bodies** including any parent Crown Corporation, and any wholly-owned subsidiary of such a corporation, within the meaning of section 83 of the Financial Administration Act²⁷.
- **Federal legislation** will be required and a draft legislative framework will be provided based on this report to support the co-development process. Federal legislation will allow for complaints to be received related to federal departments, agencies, boards, commissions, and other federal bodies.
- Where there are existing agents of parliament with **concurrent jurisdiction**, such as the Office of the Federal Ombudsperson for Victims of Crime or the Correctional Investigator of Canada, complainants may choose the accountability entity they prefer.
- Indigenous engagement participants noted that **Call for Justice 1.7 calls on the federal, provincial, and territorial governments** to work in partnership with Indigenous peoples to establish an Ombudsperson and a Tribunal, and that the Calls for Justice define "all governments" as federal, provincial, territorial, municipal, and Indigenous governments and related entities. Following successful implementation of the National and Regional Ombuds Offices related to federal jurisdiction, the federal, provincial, and territorial governments are encouraged to work together in the spirit and intent of Call for Justice 1.7 to coordinate alternative options for corresponding provincial and territorial action that could include:
 - Provincial/territorial legislation empowering existing provincial/territorial Ombudspersons to enter into agreements with the National and Regional Indigenous and Human Rights Ombudspersons to receive complaints on behalf of the other ombudsperson and to exchange information, including personal information, so as to provide a reciprocal "No Wrong Door" service.

- Establishment of a dedicated Indigenous Deputy Ombudsperson or Indigenous liaisons within existing provincial/territorial Ombuds Offices, such as is the case with the British Columbia Ombudsperson²⁸.

Recommendation: Supporting Choice


- **Indigenous knowledge and worldviews must be foundational** throughout the development of the Ombudspersons and their offices, including Indigenous ways of being, knowing, and storytelling. Each office should open **guided by Elders and Knowledge Keepers** and respecting protocols, spiritual and cultural practices, and bundles of the Nations and communities of the region.
- A First Nations, Inuit, or Métis complainant who believes their rights are being violated can bring their complaint forward to the Office of the Indigenous and Human Rights Ombudsperson in their region. The intake staff will make the complainant aware of all of the options, including other existing accountability entities such as provincial and territorial Ombuds Offices where appropriate, as well as health supports. **The complainant will then be able to make the best choice for themselves**, selecting one accountability mechanism at a time, and returning to others at a later date if needed. This model of choice **empowers individuals and communities** and there is precedent already for choice, and existing overlap currently in Canada.





Recommendation: The Appointment Process

- **Selection of the four National Indigenous and Human Rights Ombudspersons should be made by Indigenous people via a selection body of First Nations, Inuit, and Métis leaders** that includes representation from MMIWG2S+ families, Indigenous women's organizations, Indigenous 2SLGBTQQA+ organizations, elected national Indigenous organizations, and national urban Indigenous organizations. The selection body should be co-led by an Indigenous woman and an Indigenous 2SLGBTQQA+ person.
 - The selection body should be comprised of no more than **13 representatives**, and there should be a minimum of three First Nations, three Inuit, and three Métis members. Each must be decision makers on behalf of their representative bodies.
 - **Each member must commit to working in good faith and in a spirit of collaboration and consensus**, always remembering that selecting the National Ombudspersons is a sacred responsibility.
 - The selection body will recommend **four people**, one for each of the four positions, and an all-party committee of Parliament will recommend to Parliament that the individuals be appointed by resolution of the House of Commons.
- The four National Ombudspersons should **report directly to First Nations, Inuit, and Métis people and to Parliament**, and not to a Minister, given that the Ombudspersons will have investigatory authority over all federal departments.
- **Selection of 13 Regional Indigenous and Human Rights Ombudspersons** should be made by regional selection bodies of First Nations, Inuit, and Métis leaders living within each province and territory, that includes at least one of the National Ombudspersons, with representation from MMIWG2S+ families and regional organizations, regional Indigenous women's organizations, regional Indigenous 2SLGBTQQA+ organizations, regional urban Indigenous organizations, and elected regional Indigenous organizations (provincial/territorial organizations). Each selection body should be co-led by an Indigenous woman and an Indigenous 2SLGBTQQA+ person.
 - The selection body should be comprised of no more than 13 representatives who are representative of the Indigenous people of the region. They must be decision makers on behalf of their Indigenous representative bodies.
 - Each member must commit to working in good faith and in a spirit of collaboration and consensus, always remembering that selecting the Regional Ombudspersons is a sacred responsibility.
 - Each of the 13 regional selection bodies will recommend one person, and an all-party committee of Parliament will recommend to Parliament that the individuals be appointed by resolution of the House of Commons.
- The Regional Ombudspersons and their offices will reflect the Territories they reside within and the people of the province or territory within which they are located, ensuring appropriate protocols and practices are respected.
- The **terms** of the National and Regional Ombudspersons should be five years with one option for reappointment. To avoid all terms expiring at the same time, the second term for the National Ombudspersons should be staggered for reappointments of 3, 4, 5 and 6 years, and for the second term of the 13 Regional Ombudspersons a similar staggered protocol should be developed.
- The National and Regional Ombudspersons positions **must not be vacant**. One year before the mandate of an Ombudsperson expires, or as soon as an impending vacancy is known if it is less than one year, a selection committee shall be convened to begin the search process.
- There should be a mid-term review for all Ombudspersons conducted by the respective hiring selection bodies. There must be a **mechanism to remove** an Ombudsperson who is not fulfilling their mandate.
- A **rigorous vetting process** will confirm the Indigenous identity of all Ombudspersons and of the Indigenous individuals, organizations, and governments involved in the selection process to avoid identity fraud.



Recommendation: A Mandate that Supports Justice

- The Ombudspersons should **triage, navigate, investigate, mediate, monitor, protect and promote rights** and as required recommend changes to legislation, policy, practice, procedure, and/or other corrective actions to prevent future rights violations. **Transformational change will require a whole-of-government approach** by all federal departments, agencies, boards, commissions, and other bodies including any parent Crown Corporation.
- An Indigenous **MMIWG2S+ Senior Specialist and a 2SLGBTQQA+ Senior Specialist** must be present within the national and regional offices. Among other responsibilities, these positions will focus on improving the criminal justice system's response to MMIWG2S+ cases.
- **Indigenous dispute resolution models**, including mediation, restorative justice and talking circles should be offered at all stages of the process.
- In a latter phase when the **Tribunal** is established, matters that the Ombudspersons are not able to resolve in an appropriate amount of time should be referred to a Tribunal, that would include binding orders such as costs against governments.
- **Call for Justice 1.10** can be placed within the accountability mandate of the National Indigenous and Human Rights Office and

the office can report annually to Parliament on the implementation of the National Inquiry's Calls for Justice.

- All laws and human rights standards must be interpreted in light of the **United Nations Declaration on the Rights of Indigenous Peoples**, the United Nations Declaration on the Rights of the Child, the federal act, and respective provincial and territorial acts, as well as **Indigenous legal traditions** including oral histories, as per Call for Justice 1.2(v). The Ombudspersons should consider all relevant Indigenous and human rights legislation.
- Future **UNDA reporting** could be incorporated within the mandate of the National Indigenous and Human Rights Office with the office reporting annually to Parliament on the implementation of the federal act and action plan.
- Due to anticipated uptake and to avoid the challenges in successfully standing up inquiries and commissions, **implementation should be phased** but within strict timelines which will require dedicated focus early in 2024 on co-developed legislation based on the draft legislative framework that aligns with this report.
- The National Ombudspersons should be appointed as soon as possible and by December 31, 2024, and the 13 Regional Ombudspersons should be appointed within the following six months and by June 30, 2025. The national and regional offices should be staffed and open no less

than six months after the appointment of the Regional Ombudspersons and by December 31, 2025.

- Development, implementation, and phasing must be clearly communicated via a public web site and updated on a regular and ongoing basis.
- Indigenous engagement participants stated that **collective rights are missing** from accountability mechanisms currently in place and that as per Call for Justice 1.7, **standing should be given to communities, settlements, Nations, tribal councils, Indigenous organizations and Indigenous women's organizations** to bring complaints forward. This aligns with the United Nations Declaration on the Rights of Indigenous Peoples.
- Indigenous engagement participants remind us of our collective responsibility to each other, and that victims are not always able to advocate for themselves. Where victims of a rights violation choose, they should be able to nominate at intake or at any stage of the process an individual or a collective, such as an Indigenous government or organization, to go through the process on their behalf. Indigenous governments and organizations must receive the necessary funding to assume this new responsibility.

- The Ombudspersons should have a **'duty to refer' mandate**, so that people needing help are referred to services and supports, including health supports, and not left without assistance.
- Legislation should include the ability to **conduct joint investigations** with other accountability entities, and a **public education** mandate.

Recommendation: Ombuds Responsibilities, Powers, and Independence

- The Ombudspersons and offices must be **legislated**. The legislation should include **'own motion' powers**, and in this way the Ombudspersons can be proactive and examine systemic issues before they become a crisis.
- The Ombudspersons must have strong **investigative powers** similar to those of provincial and territorial Ombudspersons. This includes the power to compel the production of records, including records that are otherwise not releaseable under access to information legislation. In carrying out their investigation of a federal public authority under their jurisdiction, the Ombudspersons should have authority to interview, including

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Combining traditional Indigenous governance with the oversight functions of an Ombuds Office can help strike a balance between respecting cultural values and ensuring accountability within a contemporary legal and administrative context.

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under oath, professionals, and others including representatives of institutions that have histories of perpetuating rights violations against Indigenous people. Ombudspersons must have sufficient power and authority to carry out their mandate effectively, alongside checks and balances that mitigate the risk of potential abuses. Balancing power dynamics and preventing abuses of power are crucial to promoting healthy and equitable relationships between systems and citizens.

- The Ombudspersons must have **strong enforcement powers** to compel witnesses and documents or records, including making it an offense to obstruct, with penalties for non-compliance. The Ombudspersons must have public reporting powers should recommendations not be acted upon, and once the Tribunal is established, may at their discretion seek enforcement through the Tribunal.
- **Independence** from government is critical for the function of the Ombuds Offices and to gain trust. The Ombudspersons must be truly independent so that there is no perception that decision making is impacted by politics. The Ombuds Offices must be arm's length in nature from government, akin to the Office of the Auditor General and the Parliamentary Budget Officer. Consideration should be given to the 'Venice Principles' regarding Ombudspersons, the United Nations resolution on Ombudspersons, and other international legal principles that ensure independence.
- A legislative, policy, and resource **framework** should reflect the National Inquiry's **Principles of Change** that includes substantive equality and a decolonizing approach, the involvement of families and survivors, and Indigenous-led solutions and services that recognize distinctions, are cultural safety, and trauma-informed.
- **Remedies** may include recommendations by the Indigenous and Human Rights Ombudspersons to change policy, practice, procedure, legislation and / or other corrective action to prevent future rights violations.

Recommendation: Reflecting on Governance

- A **National Ombuds Council** should be incorporated formally into the legislation. The Council should walk in both worlds and incorporate traditional Indigenous governance principles with board responsibilities under Canadian law and include MMIWG2S+ families, Indigenous women's organizations, Indigenous 2SLGBTQQA+ organizations, elected national Indigenous organizations, and national urban Indigenous organizations, and appointments should be made following a robust appointment process by the national selection committee without the need to be affiliated, politically or otherwise.
 - There should be four **youth seats** on the National Ombuds Council, for a First Nations youth, an Inuit youth, a Métis youth, and an urban Indigenous youth. Youth for this purpose is defined as 18 – 29 years of age.
 - **Regional Ombuds Councils** should guide and support each Regional Ombudsperson, with National Ombuds Council members sitting as members of the Regional Ombuds Council that corresponds with their Territory. Representation should be ensured through a robust appointment process led by the regional selection committee without the need to be affiliated, politically or otherwise and include representation from MMIWG2S+ families and regional organizations, regional Indigenous women's organizations, regional Indigenous 2SLGBTQQA+ organizations, regional urban Indigenous organizations, and elected regional Indigenous organizations (provincial/territorial organizations). Youth should sit on each Regional Ombuds Council, and in this case youth is defined as 16–29 years of age.
 - The Councils should meet no more than nine times a year and no less than four times a year, and the **terms** of Council members should be staggered.





- **Elders and Knowledge Keepers Advisory Circles** should be created for each Ombudsperson's Office and should be incorporated formally into the legislation to advise and support each office and as a way to draw on First Nations, Inuit, and Métis diversity and wisdom, rooted in Indigenous values. Recognition of Indigenous people living in community and in urban, rural, and northern environments is required to ensure systems reflect these experiences. Ombudspersons must have the ability to create specialized, topic-specific advisory circles with specific subject matter expertise if needed, including youth advisory circles.
- The governance structure and Ombuds Offices need to be non-patriarchal and non-binary in nature from inception, and **fully inclusive of 2SLGBTQQA+ people**. This is essential, as the traditional role of 2SLGBTQQA+ people is to see a variety of perspectives and bring balance.
- The Ombuds Offices, Councils, and Circles must be comprised of First Nations, Inuit, and Métis people **inclusive of families and survivors, women, urban Indigenous, Indigenous 2SLGBTQQA+ people, and persons with disabilities**. There should be gender parity and inclusion in the composition of all staff and members of related Councils, and Circles.
- Each member of the Ombuds Councils and Circles as well as the selection bodies must commit to working in **good faith and in a spirit of collaboration and consensus**, and a conflict resolution process will be identified to ensure a safe and healthy environment that respects the sacredness of the responsibility. There must be a **mechanism to remove** Council and Circle members who do not consistently attend meetings or are not working collaboratively and fulfilling their mandates.

Recommendation: Resourcing for Success

- The National Indigenous and Human Rights Ombudspersons and Office must be appropriately resourced with **adequate and permanent funding**, recognizing historic and ongoing systemic discrimination in funding and as per Calls for Justice 1.7 and 1.3. Permanent means on going and in perpetuity, and not time limited.
- **Core operational requirements** should be fully funded beyond legal, investigative and research teams, financial services, human resources including training and professional development, communications, and information technology. Core funding must include honoraria for Council and Circle members and Elders and Knowledge Keepers, as well as the cost of specialized mediators and facilitators and an internal health support team, cultural needs including medicines and ceremony, translation and interpretation, and child care and local transportation to support individuals in making a complaint.
- **Indigenous procurement** from authenticated First Nations, Inuit and Métis businesses must be considered in all circumstances and purchases.
- **Budgetary independence** from the executive branch of government is to be assured by the Ombudspersons presenting their budget request to a Parliamentary Committee each fall for the following fiscal year. The Parliamentary Committee shall publish a report with the recommended budget and the Minister of Finance shall provide for that amount in the subsequent budget.
- The Ombuds Offices should have the resources to provide **accessible timely services, including timelines established in legislation for government responses**. Sustainable core funding will help to avoid the backlogs experienced at some accountability entities.





- The offices need to be resourced to be **responsive** so they can provide **specialized mediators and facilitators** and support families and survivors when making a complaint and connect them to resources in the community. This acknowledges the need for resourcing existing systems to support the work of the Ombudspersons and the need for partnerships with existing agencies to support First Nations, Inuit, and Métis women and their families.
- The offices should be held to service standards including quality assurance.
- Full funding for the National and Regional Offices must include **sustainable and adequate operating dollars** and funding for the renovation, or where required construction, of **dedicated facilities** in storefront locations that are highly visible. This will avoid the need to compete for funding or for space within facilities and will allow for affirming and accessible Indigenous space.
 - Space and mediation rooms should be designed by First Nations, Inuit, and Métis people and honour and respect Indigenous cultural practices, fully accommodating ceremonies and protocols such as smudging, prayers, and the lighting of the quilliq.
- The Ombuds Office requires funding for high quality, **accurate data** systems to research, analyze, scrutinize, and ultimately make sound evidence-based decisions that allow relevant and targeted actions. The data should be desegregated and clear, reported regularly and publicly, and accessible so that it drives attention to rights violations. A national database is critical for staff and policy makers to examine trends or patterns of complaints with a whole-of-Canada view. National data should highlight and ultimately address regional disparities and measure transformative change.
 - The Ombudspersons should be charged with the **responsibility of collecting and tracking data specific to MMIWG2S+** and human trafficking as well as other data sets that impact women and 2SLGBTQQIA+ people across all jurisdictions. This

data collection can establish a **national database on MMIWG2S+** at the National Indigenous and Human Rights Ombuds Office and include gender-based data on the scope and prevalence of violence. Aggregate data should be available to the public to ensure progress can be tracked as a further accountability mechanism.

- **Call for Justice 1.10** can be incorporated within the National Indigenous and Human Rights Ombuds Office with the office reporting annually to Parliament on the implementation of the National Inquiry's Calls for Justice.
- **Future UNDA reporting** can also be incorporated within the National Indigenous and Human Rights Ombuds Office with the office reporting annually to Parliament on the implementation of the federal Act and action plan.

Recommendation: Welcoming Our Relatives

- The Ombuds Offices must be **barrier-free and accessible** with services available in Indigenous languages including written materials. Contacting the office should be simple, including access by phone, email, text and other technologies as they develop. Intake should require support for any paperwork. Mobile or pop up locations should also be similarly resourced.
- Intake should be **warm and welcoming** with staff to walk with individuals and families through the process, interpreting technical language. Intergenerational trauma is not well understood and so services should be person-centred and trauma-informed and avoid **any unnecessary retelling of traumatic experiences**, with wrap around supports available through Indigenous organizations that are also appropriately funded, as per Call for Justice 1.3, 1.8, and 2.3.
- **Portability of rights** means that any First Nations, Inuit, or Métis person can access the Ombudsperson's Office in the region within which they reside and receive service. The protocols and practices of **each Nation and peoples** regardless of where they reside must be respected.



“
If the support is not there to go through
the process, then you just drop it.
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- The Ombuds Offices must have **safe reporting mechanisms** that can be accessed anonymously and confidentially, so that rights defenders are not targeted and do not suffer retaliation.
- National and Regional Offices should be **open extended weekday hours and on weekends**, to meet the needs of First Nations, Inuit, and Métis citizens.
- There should be **no statute of limitations on filing a complaint**, appreciating that it can take years to work through trauma and be able to come forward. However, it is understood that on occasion Ombudspersons may not be able to investigate a matter that is too old to reasonably and reliably investigate.

Recommendation: Hiring and Staffing

- The Ombudspersons must be **Indigenous, well respected, trusted, and people of integrity**. The successful candidates should be **culturally grounded**, while understanding that colonial systems and structures such as the residential and day schools, Sixties Scoop, and child welfare system stole culture and traditional knowledge from generations of First Nations, Inuit, and Métis people.
- The hiring process must be **transparent** and based on work history, accomplishments, skills, and qualifications, including a track record of creating systemic and structural change. While knowledge of Indigenous and human rights is required, the Ombudspersons need not be legal scholars. Both formal and informal education must be respected.
- In addition to expertise in Indigenous and human rights, the Ombuds Office should be staffed by individuals with expertise in fairness and natural justice, program and service analysis, and Indigenous evaluation and methodologies, and with knowledge of key areas including health; mental wellness and addictions; policing and the justice system; social services including child and family services; domestic and family violence, and sexual violence; housing; education; and disability. **Lived experience and fluency in an Indigenous language should be an asset** in hiring.
- The National Ombuds Office must include **broad representation from each region** and ensure that Indigenous women and 2SLGBTQQIA+ people are well represented. As broad regional representation is valued, consideration should be given to remote work where possible and as necessary and if operational requirements can be met.
- The Ombuds Offices should select, hire, and train staff, instead of receiving support services from the Administrative Tribunals Support Service of Canada. Training should include Indigenous gender-based analysis as well as support for staff wellness including strategies to mitigate vicarious trauma. A conflict resolution process will be identified to ensure a safe and healthy work environment.
- Security checks including child abuse and vulnerable persons checks must be satisfied before hiring, and members of a regulated profession must be in good standing.
- A rigorous vetting process will confirm Indigenous identity.



Recommendation: Transparency and Reporting to Support Transformation

- The four National Ombudspersons must prepare a **joint annual report** to Indigenous leadership, rights bodies, and peoples, to the Auditor General of Canada, and to Parliament that includes a report from each region. The annual report will be reflective of national as well as key regional issues, data, and recommendations, and will track progress to date. The report must be available in Indigenous languages. The annual report and all special reports should, by statute, be automatically referred to a Parliamentary Committee for consideration and hearings.
- An Ombudsperson may make a special report on any urgent matter that in the opinion of that Ombudsperson should not be deferred to the next annual report.
 - Annual and special reports should be referred to the **United Nations** (UN), including the UN Special Rapporteur on the Rights of Indigenous Peoples, the UN Special Rapporteur on Violence Against Women and Girls, the UN Special Rapporteur on Trafficking in Persons, and the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, as well as other international human rights bodies such as the Organization of American States and the contemplated Canadian Ambassador on Indigenous Relations.
- The four National Ombudspersons must produce an **annual plain language report card**, including changes made and who or what was held accountable. The report card must be available in Indigenous languages and include an information graphic.
- The Ombudspersons in each region should hold an annual **Accountability Forum** similar to those hosted by the Yukon Advisory Committee, to share the progress and provide opportunity for leaders to respond directly to questions from First Nations, Inuit, and Métis citizens and others.
- There must be systemic accountability interwoven into all processes of the Ombudspersons and their offices, to ensure that the intersectional issues that impact the safety of Indigenous women, girls, and 2SLGBTQQIA+ people are addressed in a meaningful, transparent, and accountable way.



NEXT STEPS: 'THIS IS ALL OUR BUSINESS'

2024 will mark the fifth anniversary of the National Inquiry's final report and Calls for Justice, and nine years since the Truth and Reconciliation Commission of Canada called for a public inquiry into the causes of, and remedies for, the disproportionate victimization of Indigenous women and girls in Call to Action 41. Call for Justice 1.7 is a foundational remedy, and honouring families and survivors means implementing it before another year goes by.

Through engagement around Call for Justice 1.7, First Nations, Inuit, and Métis engagement participants stressed that a **systemic response is required** as Canada is in a state of systemic failure when it comes to Indigenous Peoples. While Call for Justice 1.7 is being implemented, work must proceed concurrently on all Calls for Justice. **The dedication to implementing the Calls for Justice needs to be parallel to federal, provincial, and territorial responses to the recent pandemic, with the same rigor, speed, and urgency.**

Moving Forward on Implementation

To take the next step in this work, the Government of Canada has already established specific budget investments. Minus expenditures made in 2023–24 the allocations committed stand at:

- \$1.6 million over two years, starting in 2023–24, to support the Ministerial Special Representative appointed to provide advice and recommendations on the creation of an Indigenous and Human Rights Ombudsperson (Call for Justice 1.7).
- \$2.2 million over two years, starting in 2023–24, to establish an oversight mechanism to monitor and report on the progress for implementation (Call for Justice 1.10).
- \$2.5 million over five years, starting in 2023–24, to facilitate and coordinate work on advancing the National Action Plan by establishing a standing Federal-Provincial-Territorial-Indigenous table on Missing and Murdered Indigenous Women, Girls, and 2SLGBTQ+ People. This table is a specific forum to take action on areas of shared roles and responsibilities regarding Missing and Murdered Indigenous Women, Girls, and 2SLGBTQ+ People, including prioritizing discussion on how to launch a "Red Dress Alert".
- \$95.8 million over five years, starting in 2023–24, and \$20.4 million ongoing to help Indigenous families access information about their missing and murdered loved ones, and to enhance victim services. This funding would renew existing programming and expand it to include support for families of 2SLGBTQ+ Indigenous victims who are men.
- Other committed resources include \$2.2 billion provided over five years, starting in 2021–22, and \$160.9 million ongoing, announced in Budget 2021,²⁹ to accelerate work on the National Action Plan in response to the National Inquiry's Calls for Justice and the Truth and Reconciliation Commission's Calls to Action.



Suggested Implementation Timeline

By March 31, 2024:

- CIRNAC to establish an Implementation Committee and begin to develop a reporting schedule to publicly communicate via a dedicated web page that is easily discoverable. The Implementation Committee should be comprised of senior federal public servants from key departments and representation from elected national Indigenous organizations, MMIWG2S+ families, Indigenous women's organizations, Indigenous 2SLGBTQQIA+ organizations, and national urban Indigenous organizations.
- The Implementation committee should be co-chaired by an Indigenous committee member and a senior CIRNAC federal public servant at the level of an Assistant Deputy Minister or above.
- There should be a minimum of three First Nations, three Inuit, and three Métis non-government members who are senior decision makers on behalf of their representative bodies.
- Via roundtables beginning in March, co-develop legislation over a three month period of time supported by the draft legislative framework with suggested representation from organizations and entities that have generously engaged to date. Prepare to introduce Bill in House of Commons.
- Respecting process, CIRNAC to bring this report to the Assembly of First Nations through the Permanent Bilateral Mechanism, the Inuit Tapiriit Kanatami through the Inuit Crown Partnership Committee, and the Metis National Council through the Permanent Bilateral Mechanism.
- Implementation Committee to develop a budget to prepare to submit, modelling the request on the budgets of existing provincial and territorial Ombuds Offices and existing federal accountability entities such as the Canadian Human Rights Commission.
- Begin engagement on the development of a National Indigenous and Human Rights Tribunal, per engagement feedback on Call for Justice 1.7.

By June 30, 2024:

- Government introduces Bill in House of Commons.
- CIRNAC to establish the National Selection Committee that can be comprised of First Nations, Inuit, and Métis people members of the Implementation Committee and begin to accept applications for the four National Ombudspersons positions with the support of Indigenous executive search professionals.
- Implementation Committee to communicate implementation progress via a public website.

By December 31, 2024:

- National Selection Committee to select and send recommendations to Parliament to appoint the four National Ombudspersons.
- National Selection Committee and National Ombudspersons to develop the National Ombuds Council for appointment by the CIRNAC Minister. It is anticipated that members of the National Selection Committee may transition to become members of the National Ombuds Council.
- CIRNAC to establish 13 Regional Selection Committees with support of National Selection Committee and National Ombudspersons.
- National Ombudspersons to begin internal policy development and hiring of staff with a priority focus on CEO and human resource professionals to assist with the hiring processes for the National and Regional Ombuds Offices.
- National Ombudspersons with support of CIRNAC and federal government to begin to identify office space in the National Capital Region and each province and territory.



By June 30, 2025:

- Regional Selection Committees with National Ombudsperson representation to select the 13 Regional Ombudspersons and work with the National Ombudspersons to send recommendations to Parliament to have them appointed.
- Continue hiring national staff including a Call for Justice 1.10 Unit to monitor progress on the National Inquiry's Calls for Justice, and potentially an UNDA Unit. Begin hiring regional staff.
- Regional Selection Committee and Regional Ombudspersons to develop Regional Ombuds Councils with the support of the National Ombudspersons.

- National Ombudspersons to develop National Elders and Knowledge Keepers Advisory Circle, and National and Regional Ombudspersons to develop Regional Elders and Knowledge Keepers Advisory Circles.

By December 31, 2025:

- National and Regional Offices staffed and open.
- Following successful implementation of the National and Regional Ombuds Offices specific to federal areas of jurisdiction, the federal, provincial, and territorial governments are encouraged to work together in the spirit and intent of Call for Justice 1.7 to coordinate alternative options for corresponding provincial and territorial action.



IN CONCLUSION



The creation of Indigenous and Human Rights Ombudspersons is an opportunity to begin to address inequities in government programs and services that lead to Indigenous and human rights violations. Accountability, substantive equality, systemic change, and restorative justice are principles that can be embedded in the Indigenous-led, decolonized, culturally safe and trauma-informed work of the Ombudspersons.

Call for Justice 1.7 comes out of the National Inquiry into Missing and Murdered Indigenous Women and Girls and the testimony and Truths of families and survivors. Indigenous women, girls, and 2SLGBTQQA+ people have the right to live in safety and peace. Indigenous people have the right to live in a more equitable Canada. Indigenous and Human Rights Ombudspersons are a necessary step in response to a national crisis of gaps and inequities that have existed since Confederation. There is much work to be done, and an ambitious schedule has been laid out.

"Call for Justice 1.7 makes a tremendous amount of sense. An important idea, long overdue"

Traditionally the Haudenosaunee used belts made of wampum to mark agreements and conditions between peoples. The Indigenous and Human Rights Ombudspersons and their offices can be a bridge, a two-row wampum, to link two worlds and two world views. The Métis infinity symbol also reflects the joining of two cultures.

This is the opportunity to use a non-Indigenous tool, the concept of an Ombudsperson, to develop a decolonial accountability entity that can truly walk in both worlds.

Indigenous engagement participants suggested that the implementation of Call for Justice 1.7 begin in ceremony to reset and renew Canada's relationship with First Nations, Inuit, and Métis peoples. This can start to chart a new path for a Canada, strengthened by a foundation of Indigenous and human rights, with fairness and substantive equality for all.

2024 can be the year when faith is honoured and hope is realized.

This report concludes with a reminder expressed by an engagement participant about the fragile nature of trust, and the expectations around Call for Justice 1.7:

“

**Not great faith,
but great hope.**

”



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