

# Managing the Records of the National Inquiry into MMIWG

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In deep and full solidarity with the families of

Rebecca Contois

Morgan Beatrice Harris

Marcedes Myran

Buffalo Woman

The countless other MMIWG2SLGBTQQIA+



# Overview

- Background/Context
- Legal framework
- Decolonizing Approach
- The records of the Inquiry into MMIWG

# Background: Commissions of Inquiry

*“Commissions of inquiry are established by the Governor in Council (Cabinet) to **fully and impartially** investigate issues of national importance.*

*Led by distinguished individuals, experts or judges, Commissions of Inquiry have the **power to subpoena witnesses, take evidence under oath and request documents.**”*

- Government of Canada, Privy Council Office

# Background: Commissions of Inquiry

- Independent bodies: operate at arms-length of government to enable impartiality.
- Administered by Privy Council Office (PCO), which supports the Prime Minister and Cabinet.
- PM/Cabinet authorize the PCO to process funding, provide administrative support to enable Inquiry operations, etc.
- Typically inquire into/gather information on actions of public bodies, departments, individuals, specific events or topics

[Examples: Commissions of Inquiry](#)

# Background: The National Inquiry into MMIWG

- Commission of Inquiry into genocide.
- Impacts countless people and communities
  - Families of MMIWG and 2SLGBTQQIA individuals, Survivors of Violence
  - Deep, personal impacts
  - Community impacts
  - Grief, trauma, pain, anger
  - Emotionally invested in success of the Inquiry: hoping for justice, healing, answers, accountability, closure, CHANGE
  - Demanding real change to systems and structures
  - At stake: lives and reclamation of the rightful power and place of Indigenous Women, Girls, and 2SLGBTQQIA individuals

# Legal Framework

- Unique and complex legal foundation
- The Inquiry's powers, obligations, and limitations were established via Orders in Council/Terms of Reference
- Mandates in 14 jurisdictions:
  - [Federal](#)
  - [Each of the provinces and territories](#)
- Allowed the Inquiry to compel evidence from all 14 jurisdictions
- Allowed for region-specific representation during truth gathering

## Orders in Council

Alberta

British Columbia

Manitoba

New Brunswick

Newfoundland and Labrador

Nova Scotia

Ontario

Prince Edward Island

Quebec

Saskatchewan

Yukon

Northwest Territories

Nunavut



# Legal Framework

The National Inquiry has, for the first time in Canadian history, been vested with legal powers and obligations from all of the public inquiry acts across the country. This means that the Commissioners have the legal power to generally compel production of documents from, and witnesses to testify in, every region of this country. However, the respective public inquiries statutes across the country are not uniform in substance. Accordingly, the Rules recognize the differences amongst the various public inquiries statutes and/or related instruments.

Excerpt from NI-MMIWG Legal Path, available at [https://www.mmiwg-ffada.ca/wp-content/uploads/2018/01/Legal\\_Path\\_Rules\\_of\\_Respectful\\_Practice\\_2018-11-09\\_ENG-3.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2018/01/Legal_Path_Rules_of_Respectful_Practice_2018-11-09_ENG-3.pdf)





# Our Mandate, Our Vision, Our Mission

## The Mandate of the National Inquiry

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.

[Link](#)

# Decolonizing Approach

- e. direct the Commissioners to take into account, in conducting the Inquiry, that the Inquiry process is intended, to the extent possible,
  - i. to be trauma-informed and respect the persons, families and communities concerned,
  - ii. to provide an opportunity for persons, families and community members to express and share their experiences and views, particularly on ways to increase safety and prevent and eliminate violence against Indigenous women and girls in Canada,
  - iii. to be culturally appropriate and to acknowledge, respect and honour the diverse cultural, linguistic and spiritual traditions of Indigenous peoples, and
  - iv. to promote and advance reconciliation and to contribute to public awareness about the causes of and solutions for ending violence experienced by Indigenous women and girls in Canada;

[Excerpt from Federal ToR](#)

# Applying decolonizing approach from within a colonial framework

- Pushing as hard as possible from within a colonial framework to apply a decolonizing and trauma-informed approach, while constrained by the walls of the same colonial framework
- Chipping away at the wall with a tiny pickaxe: small pieces fall off, and sometimes, large chunks
- Still a massive wall – still a deeply entrenched colonial framework
- Pushing at the wall from within, using existing framework but incorporating different ways of knowing

Example: [Legal Path](#)



## Doing Things Differently: 10 ways our approach is reflective of Indigenous values

### 1. Our Guiding Principles

At the National Inquiry, we have adopted an Indigenous, decolonizing and community approach. In our daily work, we follow Indigenous intellectual and legal traditions, world views and cultural practices and protocols.

Honesty  
Openness  
Inclusivity  
Compassion

Courage  
Fairness  
Respect

### 2. Words From The Wise

We've sought advice from respected Elders in each region where we've held hearings and events.



### 3. Protocols, Symbols & Ceremonies



The National Inquiry honours culturally specific protocols in each diverse community we visit, such as using the red willow basket and lighting the quilliq.

# Decolonizing Approach

- Trauma-informed – focus on not re-traumatizing Families and Survivors
- Culturally-safe truth gathering, as advised by Families, Survivors, Grandmothers, Elders, region-specific
- Defining “Family” beyond blood and household (“Families of the heart”)
- Recognizing roles and perspectives of 2SLGBTQQIA individuals
- Where possible, following Indigenous intellectual and legal traditions, world views, cultural practices and protocols

# The Records of the N-MMWG

- Legacy Archive
- Corporate records – administrative, operational

# The Records of the N-MMWG Legacy Archive



## Brown Baby Moccasins

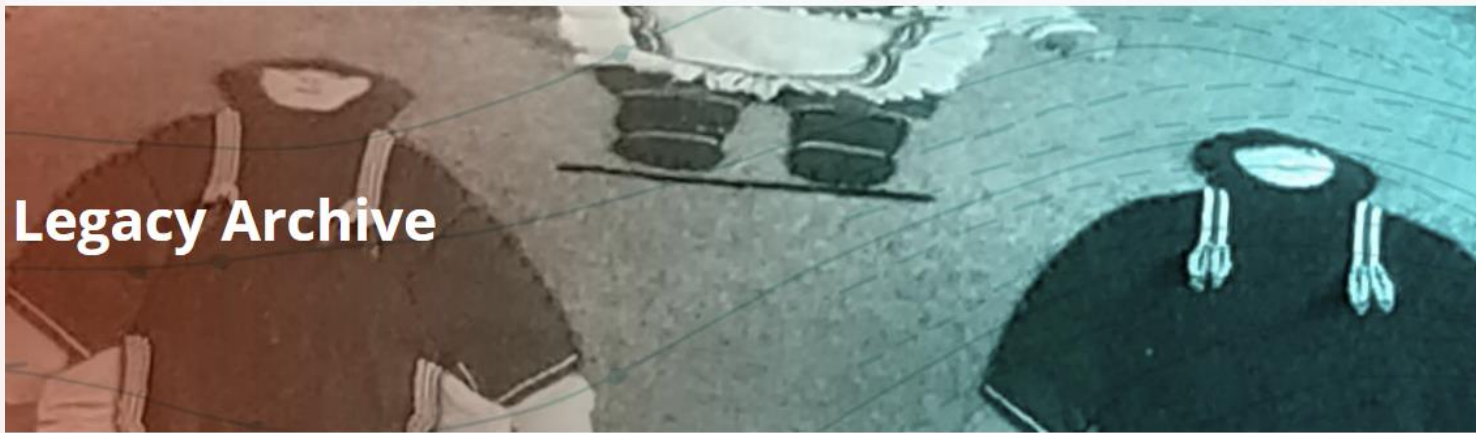
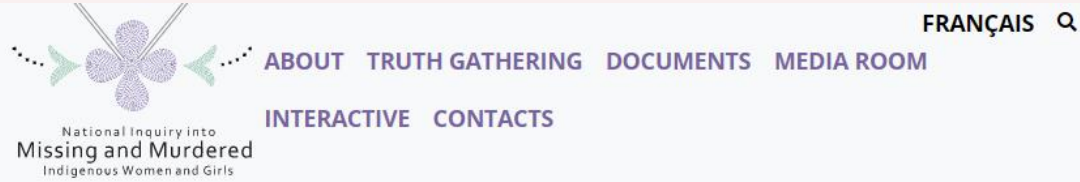
**Decorative/Traditional arts by unknown**

Donated by the women of the Conseil de bande d'Unamen Shipu to honour the women who could not share their truths; the missing and murdered women. Moccasins are the first shoes a child wears; they wear moccasins from the day they are born until adulthood. These moccasins represent the first steps of a baby and symbolize helping children move forward in life. They are meant to protect the child from all harm and hurt, and so, the empty booties symbolize the spirit of a missing child.

- Artistic expressions collected from Survivors of violence, Family Members of Missing and Murdered loved ones, and those working towards Reconciliation
- 433 pieces created by 819 people

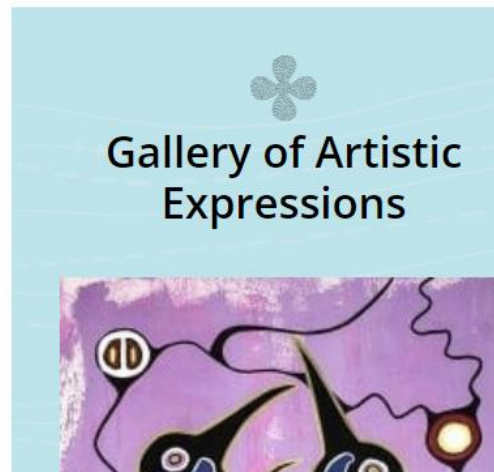
<https://www.mmiwg-ffada.ca/artists/brown-baby-booties/>

# The Records of the NI-MMIWG Legacy Archive



The Legacy Archive is an archive that collected artistic expressions, either through donations (from family members of missing and murdered loved ones, intergenerational survivors and those working towards reconciliation), education projects or acquisitions from artists and storytellers with an interest in the subject.

Each piece tells a story and represents the ability to share and preserve Indigenous culture and knowledge. Each piece stands as a place where one's truth and experience is revealed, as a tool to fight racism and resist colonial beliefs, and as a platform to raise awareness about Indigenous issues and encourage activism. Artistic expressions allow artists to share their voices and participate on an emotional level their thoughts and knowledge about the crisis of missing and murdered Indigenous women, girls and Two-Spirit people. The Archive's collection affords opportunities for healing and commemoration for Indigenous people who have suffered from the trauma caused by colonialism.



- From the start: LA materials to be treated in a special way, with unique consideration and care
- Advised by Families and Grandmothers, the NI-MMIWG and Archivist followed a trauma-informed approach and worked to centre donors' wishes and follow required protocols for handling culturally sensitive expressions
- Art as evidence – artistic, cultural expressions entered as evidence into colonial legal proceedings
- Transferred to the CMHR at close of NI

# Records of the N-MMWG: Corporate Records

- Legal framework [more prescriptive](#) for corporate Commission records.
- ToR directed NI to deposit records with PCO at close of Inquiry.
- Records remain at PCO for an indefinite period of time. PCO administers Access to Information Requests.
- “Enduring value”: Once records are no longer active, they are transferred to LAC for long-term preservation and access

y. direct the Commissioners to file the records and papers of the Inquiry with the Clerk of the Privy Council as soon as feasible after the conclusion of the Inquiry.



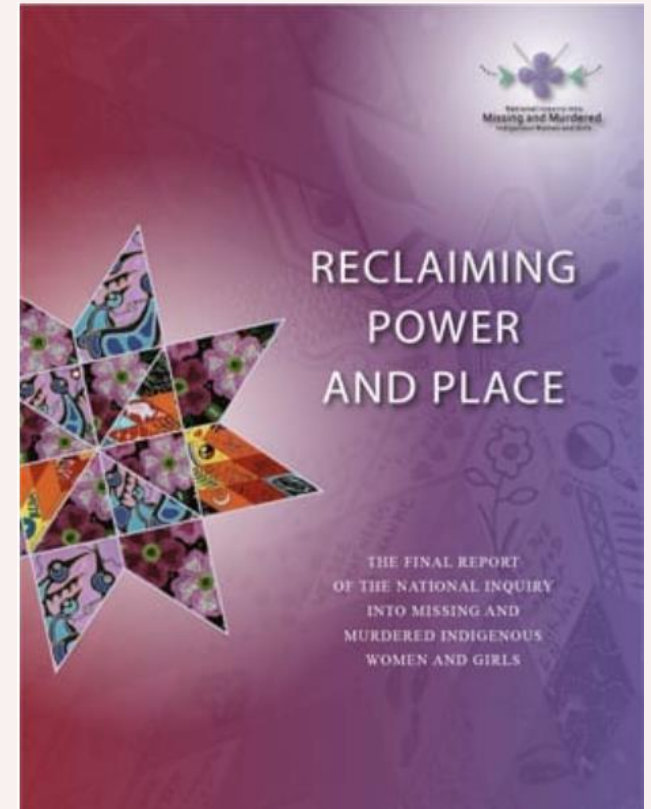
# Records of the N-MMWG: Corporate Records



- Operations team > Information Management > Records Management
- Working with Inquiry teams and staff to ensure sound records management
  - Research
  - Outreach and Support Services
  - Legal
  - Communications
  - Operations
  - Logistics

# Records of the N-MMWG: Corporate Records

- Building awareness: good RIM supports accountability and trust, achievement of the Inquiry's mandate.
- Worked with teams and staff to capture, classify, standardize, and describe Inquiry's business records.
- Apply relevant sensitivity/privacy classifications.
- Created RIM policy and guidance.
- Provided strategic advice to Directors.
- Wind-down of the information management program and the preparation and disposition of Inquiry records to PCO/LAC.



Cover of Final Report

# Records of the N-MMWG: Corporate Records

## Administrative records:

- Communications
- Facilities Management
- Financial Management
- Governance
- Human Resource Management
- Information Management
- Information Technology Management

## Operational records:

- Truth Gathering Records
  - Evidence – testimonies, video, audio, transcripts, written submissions, photos, scans, reports
- Interim & Final Report Research and drafts
- Commemoration projects
- Community Engagement records
- Outreach and health supports

# Corporate Records of the N-MMWG: Unique Challenges

- Multiple jurisdictional mandates
  - Discussions with Legal teams, stakeholder bodies to work out complex legal framework
- Physically dispersed workforce
  - Remote work, building virtual relationships coast to coast to coast
- Mix of (mostly) born-digital, some digitized & paper records
  - Assessing file structures, describing records in preparation for transfer
- Records held in proprietary information systems
  - Assessing needs for long-term digital preservation. Do records have meaning outside the context of system? Records of Genocide.
  - Close communication with PCO and LAC.
- Highly sensitive records – legal/privileged information, personal information, health information, forensic evidence
  - Inappropriate access could have real impacts on Witnesses' safety, confidentiality and undermine trust in the Inquiry

# Corporate Records of the N-MMWG: Unique Challenges

- Nature of Commission work
  - Fast-paced, time crunch, time constraints
  - Administrative bureaucracy
- Tedious, detail-oriented, stressful, unglamorous
- Emotionally heavy or distressing at times

## **Always at the forefront: Centering a Families-First and Trauma-informed approach**

- Remembering why we were there.
- Real people, tangible impacts. Entrusted with stories of trauma and resilience. Bearing witness. Pressure to not let Families, Survivors down. Details matter!

# Corporate Records of the N-MMWG: Unique Opportunities

- Learning about how to practice trauma-informed approach in this field
- Working with RM and Archives colleagues at PCO and LAC to prepare the records:
  - Long-term digital preservation standards, considerations
  - Importance of Archival and RM intervention early on (Legacy Archive; LAC)
- Deeper understanding of interactions of colonial powers and communities/individuals. Injustices in colonial structures and society.
- Insight: how decolonizing approach can be applied to effect change from inside colonial structures to create meaningful impacts
- The people we met



Thank you!