



**Individual submission to the United Nations Universal Periodic Review of  
Canada**

**Indigenous Peoples and enforced disappearances in Canada**

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**Corrigendum, paragraph 21**

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**A. Submitting organization: Peacemakers Trust**

1. Peacemakers Trust is a non-profit organization incorporated in Canada in 1999. Its purpose is to advance knowledge and capacity to prevent and address conflict fairly, effectively, and peacefully.
2. Peacemakers Trust conducts research and education on peacebuilding and reconciliation, incorporating themes of access to justice, the right to truth, apologies, and reparations, and international human rights law and standards. Included in the work of Peacemakers Trust is research and education on the rights of Indigenous Peoples in Canada. This submission draws on research by Peacemakers Trust published in March 2023.<sup>1</sup>

**B. Executive summary: Indigenous Peoples and enforced disappearances in Canada**

3. This submission follows up recommendations noted by Canada at its third Universal Periodic Review (UPR) in 2018. Uruguay, France, Belgium, Japan, Portugal, and Costa Rica recommended (142.7) that Canada become a State Party to the International Convention for the Protection of All Persons from Enforced Disappearance (Convention on Enforced Disappearance).<sup>2</sup> In noting this recommendation, Canada explained that federal, provincial, and territorial governments were “in the process of analysing the Convention on Enforced Disappearance and potential domestic considerations.”<sup>3</sup> To date, there is no reported timeline for these consultations.
4. The submission highlights concerns and makes recommendations regarding Canada’s pattern of failure to ensure effective and timely remedies for enforced or involuntary disappearances of Indigenous persons. It is respectfully submitted that systemic failures and resulting patterns of impunity for enforced or involuntary disappearances may amount to acquiescence in international crimes of enforced disappearance.<sup>4</sup>
5. The submission discusses:
  - a. The relevant normative framework (Section C);
  - b. Three case types of suspected enforced disappearance:
    - i. Children who remain unaccounted for after going missing from detention in Canada’s government-sponsored Indian Residential Schools (Section D);<sup>5</sup>
    - ii. Indigenous women, girls, two-spirit, and others with diverse gender identities (referred to as “2SLGBTQIA”<sup>6</sup>) who have disappeared without timely or adequate investigation (Section E);<sup>7</sup>
    - iii. Suspected temporary enforced disappearances of Indigenous persons detained by police (Section F);<sup>8</sup>
  - c. Conclusion and recommendations (Section G).

## C. Normative Framework

6. Canada acceded to the International Covenant on Civil and Political Rights (ICCPR)<sup>9</sup> in 1976. Enforced disappearance violates multiple provisions of the ICCPR, including rights to life (Article 6), liberty and security of the person (Article 9), and freedom from torture (Article 7). ICCPR Article 2.3. guarantees equal access to effective remedies for rights violations. In the case of enforced or involuntary disappearances this requires laws, policies, mechanisms, and practices for independent, thorough, and timely investigations adequate to ensure accountability for such crimes.
7. Canada ratified the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)<sup>10</sup> in 1987. Enforced disappearance is a recognized form of torture,<sup>11</sup> requiring States to prevent, investigate, prosecute, and penalize all such crimes.
8. Torture and enforced disappearance are crimes under customary international law.<sup>12</sup>
9. Canada endorsed the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)<sup>13</sup> conditionally in 2011 and unconditionally in 2015. The UNDRIP specifies that “Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in... international human rights law” (Article 1), including “the rights to life, physical and mental integrity, liberty and security of person” (Article 7). The crime of enforced disappearance violates Article 7. The UNDRIP also specifies that States are to “...effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned.”
10. Since its third UPR, Canada and the Province of British Columbia have adopted statutes requiring implementation of the UNDRIP.<sup>14</sup> Both of these statutes stipulate that matters related to implementation of the UNDRIP require “consultation and cooperation” with Indigenous Peoples.
11. Accordingly, it is submitted that Canada must consult and cooperate with Indigenous Peoples in its national consultations on the Convention on Enforced Disappearance and on the creation of related national laws.
12. The Criminal Code of Canada prohibits murder, abduction, unlawful confinement, and assault, but has no stand-alone criminal offence of enforced disappearance as required by the Declaration on the Protection of all Persons from Enforced Disappearance (Articles 3 to 7)<sup>15</sup> and the Convention on Enforced Disappearance (Articles 3, 4, and 6).<sup>16</sup>
13. The UN Working Group on Enforced or Involuntary Disappearances (WGEID) summarizes three “cumulative elements”<sup>17</sup> of enforced disappearance:
  - a. Involuntary deprivation of liberty through arrest, detention, or abduction;

- b. Perpetrated<sup>18</sup> by State actors or by private individuals or organized groups... acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government;”<sup>19</sup>
  - c. Refusal of authorities to acknowledge the deprivation of liberty, or failure to give information about the fate and whereabouts of the disappeared person.
14. These elements of enforced disappearance appear to apply in the three types of situations involving Indigenous persons in Canada discussed below (Sections D, E, F).
  15. Enforced disappearance entails placement of disappeared persons outside all protection of the law,<sup>20</sup> depriving them of all other rights, including the right to remedies, and often even the right to life. Enforced disappearance also deprives family members of their right to know the truth<sup>21</sup> of what has happened to missing loved ones.
  16. Failure of authorities to reveal the whereabouts of a detained person or to adequately investigate the disappearance of a person constitutes a continuous enforced disappearance until the fate and whereabouts of the disappeared person, or their remains, have been ascertained.<sup>22</sup> Canadian authorities are obligated to ensure prompt, thorough, and impartial investigations into all potentially unlawful deaths (and disappearances) in accordance with UN standards (Minnesota Protocol).<sup>23</sup>
  17. Enforced disappearances may be longstanding or temporary. In the context of longstanding disappearances, the WGEID notes the State duty to provide information about the fate and whereabouts of the disappeared.<sup>24</sup> In the context of short-term disappearances, the WGEID emphasizes that “accurate information on the detention of any person deprived of his or her liberty and the place of detention should be made available promptly to family members.”<sup>25</sup> In the case of disappearances perpetrated by non-State actors, governments are required to ensure timely, thorough, and effective investigations into the fate and whereabouts of every missing person.
  18. Habitual failure of authorities to ensure timely, thorough, effective investigations of longstanding or temporary disappearances results in impunity for those who perpetrate such crimes. A systemic climate of impunity may be imputed as State acquiescence in crimes of enforced disappearance.<sup>26</sup>

#### **D. Children disappeared from Indian Residential Schools**

19. Canadian authorities historically, from 1883, forcibly removed Indigenous children from their families and communities and placed them in “Indian Residential Schools” to compel their assimilation into Euro-Canadian society. An estimated 150,000 children, ages 4 to 16, passed through the schools until the last Indian Residential School closed in 1996.
20. Many of the children never returned home from Indian Residential Schools. An unknown number of children remain missing. Families’ attempts to learn what happened to their missing children were fruitless due to lack of cooperation by

churches and government agencies operating the schools.

21. In 2015, Canada's Truth and Reconciliation Commission (TRC) reported the probable existence of unmarked gravesites at former Indian Residential Schools across the country.<sup>27</sup>
22. In May 2021, Tk'emlúps te Secwépemc First Nation in British Columbia announced that a ground-penetrating radar survey had found the potential presence of 215 unmarked graves<sup>28</sup> on the grounds of an Indian Residential School operated from 1890 to 1969 by the Canadian government and the Roman Catholic church. The discovery of potential unmarked graves of Indigenous children prompted nine UN experts to call for investigations by Canada and the Holy See.<sup>29</sup>
23. Since the 2021 findings at Kamloops, First Nations have found thousands of other potential unmarked graves across Canada.<sup>30</sup> While some First Nations have planned excavations, none have yet been conducted. Each First Nation has its own protocols for honouring burial sites. Some residential school survivors believe exhumation would help the process of laying the victims to rest in dignity. Others prefer that the graves remain undisturbed.
24. In 2015, the TRC called<sup>31</sup> on governments and churches to cooperate in "researching, locating, documenting and commemorating residential school cemeteries and other burial sites," including revelation of records. Eight years later, however, neither governments nor most churches have been fully forthcoming with their records.
25. University of Windsor research notes that, "[t]he most basic of questions about missing children — Who died? Why did they die? Where are they buried? — have never been addressed or comprehensively documented by the Canadian government."<sup>32</sup>
26. In June 2022, Canada's federal government appointed an Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites<sup>33</sup> to make recommendations to strengthen federal laws and practices to protect and preserve unmarked burial sites. The Special Interlocutor's November 2022 progress report sought more transparency and information on how to gain timely access to Indian Residential School records. Some communities reportedly waited months to gain access, and for others, access was limited to a small subset of records deemed "relevant" by the archive.<sup>34</sup>
27. All elements of enforced disappearance may be present in the situations of children still missing from Indian Residential Schools:
  - a. Children were forcibly detained in the schools;
  - b. Government officials were directly responsible for school policies and oversight;
  - c. The disappearances of many of the children are continuing; and
  - d. Government cooperation with First Nations to investigate missing children's fate and whereabouts has been dilatory, raising questions of potential State

acquiescence.

**E. Government acquiescence in disappearances of Indigenous women and girls**

28. In Canada, Indigenous women comprise five percent of women but account for 24 percent of women homicide victims. Between 2015 and 2020, 13 percent of Indigenous women homicide victims were missing at the time of their death.<sup>35</sup>
29. In 2004, Amnesty International documented and reported decades of official neglect and failure to investigate violence against Indigenous women and girls, including disappearances.<sup>36</sup>
30. For years, Indigenous women's groups and human rights groups sought a national inquiry about Canada's missing and murdered Indigenous women and girls.<sup>37</sup> In 2013, the UN Committee on Elimination of Discrimination Against Women (CEDAW) conducted an inquiry into allegations of systematic violations of rights of Indigenous women and girls in Canada.<sup>38</sup> In March 2015, the CEDAW concluded that Canada had committed "a grave violation" of the rights of Indigenous women "by failing to promptly and thoroughly investigate the high levels of violence they suffer, including disappearances and murders." The CEDAW recommended a National Inquiry and a National Action Plan.
31. In December 2015, Canada's federal government launched a National Inquiry into Missing and Murdered Indigenous Women and Girls.<sup>39</sup> In June 2019, the National Inquiry's final report, *Reclaiming Power and Place*, analyzed testimonies and submissions of thousands of persons. The Commissioners concluded that race-based violence against Indigenous Peoples amounted to "genocide... empowered by colonial structures evidenced notably by the *Indian Act*, the Sixties Scoop, residential schools and breaches of human and Indigenous rights, leading directly to the current increased rates of violence, death, and suicide in Indigenous populations."<sup>40</sup> The report also mentioned the international crime of enforced disappearances.<sup>41</sup>
32. The National Inquiry issued 231 Calls for Justice, including missing persons protocols across Canada to ensure thorough investigation and regular audits of all cases of missing and murdered Indigenous people.<sup>42</sup>
33. In June 2021, Canada's government issued a National Action Plan<sup>43</sup> to support necessary changes in laws, policies, and systems. In May 2022, a civil society progress report on the National Action Plan expressed concern about lack of coordination among governments and Indigenous organizations, lack of promised funding, and lack of mechanisms for reporting progress on investigations.<sup>44</sup>
34. An unknown number of Indigenous women and girls remain missing. Many disappearances are unreported or misreported.<sup>45</sup> There are incidents where police have reportedly labelled missing Indigenous women and girls as "just an Indian, out partying, on a drunk, or a runaway."<sup>46</sup> Such discriminatory assumptions contribute to underreporting and miscounting of Indigenous persons' disappearances.

35. While most disappearances of Indigenous women and girls are believed to have been perpetrated by civilians rather than police, Canadian officials have demonstrated widespread, systematic, and persistent failure to ensure timely, effective investigations. The resulting systemic impunity is suggestive of State acquiescence in enforced disappearances.

**F. Impunity for temporary enforced disappearances by police**

36. There are reports dating back to 1990 of official impunity for unlawful police actions against Indigenous persons that appear to comprise the elements of enforced disappearance. These incidents are often termed “starlight tours.”

37. On 25 November 1990, 17-year-old Neil Stonechild, from the Saulteaux First Nation in Saskatchewan, was apprehended by Saskatoon police shortly after midnight. His mother called the police on 26 November seeking his whereabouts. Police advised her that he was not in custody. On 29 November 1990, Neil Stonechild was found frozen to death in a field wearing only jeans, a light jacket, and one shoe.<sup>47</sup> The two arresting police officers denied having contact with the boy the night he disappeared.

38. Nearly a decade later, on 28 January 2000, another young Indigenous man, Darrel Night, was arrested by Saskatoon police, taken outside the city, and left to walk back to Saskatoon in freezing weather wearing only a light jacket. Darrel Night survived and filed a complaint against the police officers who apprehended him.

39. In February 2000, the bodies of three other young Indigenous men were found in an industrial area of Saskatoon.

40. In 2003, the government of the Province of Saskatchewan created a Commission of Inquiry (“Wright Inquiry”) to investigate the death of Neil Stonechild.<sup>48</sup> The Wright Inquiry’s October 2004 report determined that the police investigation into Neil Stonechild’s death was “superficial and totally inadequate” despite suspicious circumstances. The two police officers who apprehended Neil Stonechild were charged with unlawful confinement and served eight-month prison terms.<sup>49</sup> However, to this date, no Saskatoon police officer has ever been tried for the deaths of the Indigenous persons taken into police custody on “starlight tours,” then abandoned to die.

41. It took nearly two decades, until January 2023, for Saskatchewan to implement the Wright Inquiry’s recommendation to establish a civilian police oversight body.<sup>50</sup>

42. Temporary enforced disappearances of Indigenous persons may still be occurring in Canada. In August 2019, a police officer apprehended a young Indigenous man in a small Ontario town. The police officer abandoned the young man far away from the town, telling him he would be charged with trespassing if he returned. The young man walked 10 hours to the nearest community on a hot day. He had little food or water and was forced to drink water from a roadside ditch. The police officer was not held accountable. After seeking a police investigation for three years, the Chief of the local First Nation made the incident public, and in late 2022, Ontario police launched

a new investigation. The police officer has been suspended pending the outcome.<sup>51</sup>

43. While the term “enforced disappearance” was not used in the Wright Inquiry or news reports about starlight tours, the elements of enforced disappearance appear to be present: Arrests, failure to acknowledge and disclose the arrestees’ whereabouts, lack of timely investigations into the circumstances of the victims’ disappearances, and impunity of alleged perpetrators.
44. Canada’s lack of a stand-alone criminal offence of enforced disappearance means that other, less serious charges may be the only charges available in the absence of proof of murder or abduction beyond reasonable doubt.

## **G. Conclusion and Recommendations**

45. Canadian officials have persistently failed to prevent, investigate, and ensure timely remedies for enforced or involuntary disappearances. It took decades of strenuous advocacy by Indigenous Peoples and human rights organizations to obtain official inquiries into disappeared Indian Residential School children, missing Indigenous women and girls, and starlight tours. Canadian governments’ slow pace of implementing recommendations of official inquiries may continue to foster impunity for those who commit or acquiesce in enforced disappearances.

46. It is recommended that Canada:

- a. Take immediate steps to create a timeline for expedited consultation with federal, provincial, territorial, and municipal governments, Indigenous Peoples, and civil society, towards accession to the Convention on Enforced Disappearance.
- b. Take immediate steps to revise the Criminal Code of Canada to ensure that enforced disappearance is a stand-alone offence that complies with the Declaration on the Protection of all Persons from Enforced Disappearance and the Convention on Enforced Disappearance.
- c. Immediately create a time-bound national action plan in consultation with federal, provincial, territorial, municipal governments, Indigenous Peoples, and civil society, to ensure that police and other officials implement the Minnesota Protocol for investigation of serious crimes, without discrimination, including each and every potentially unlawful death or disappearance.

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<sup>1</sup> Catherine Morris and Rebekah Smith, “The Disappeared: Indigenous Peoples and the international crime of enforced disappearance,” Peacemakers Trust, 31 March 2023, available at: [www.peacemakers.ca/publications/Morris.Smith.TheDisappeared.Slaw.26Feb2023.FF.pdf](http://www.peacemakers.ca/publications/Morris.Smith.TheDisappeared.Slaw.26Feb2023.FF.pdf); first published by *Slaw.ca*, 20 March 2023, <https://www.slaw.ca/2023/03/20/the-disappeared-indigenous-peoples-and-the-international-crime-of-enforced-disappearance/>; republished by *LLRX: Law and Technology Resources for Legal Professionals*, 31 March 2023, <https://www.llrx.com/2023/03/the-disappeared-indigenous-peoples-and-the-international-crime-of-enforced-disappearance/>.

<sup>2</sup> UN General Assembly, International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006, available at:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>.

<sup>3</sup> Government of Canada, Canada response to recommendations, UPR third cycle, 2017, page 2, available at: [https://open.canada.ca/data/en/dataset/41c5548a-600f-45c4-a1af-1ab4267314be/resource/4871648a-4e2b-4bd9-a582-0e02d8068b0e?inner\\_span=True](https://open.canada.ca/data/en/dataset/41c5548a-600f-45c4-a1af-1ab4267314be/resource/4871648a-4e2b-4bd9-a582-0e02d8068b0e?inner_span=True).

<sup>4</sup> Brenda L. Gunn, Engaging a Human Rights Based Approach To The Murdered And Missing Indigenous Women And Girls Inquiry, (2017) 2:2 Lakehead Law Journal, <https://www.canlii.org/w/canlii/2017CanLIIDocs3497.pdf>.

<sup>5</sup> Truth and Reconciliation Commission of Canada, Canada's Residential Schools: Missing Children and Unmarked Burials. The Final Report of the Truth and Reconciliation Commission of Canada, Volume 4, available at:

[https://publications.gc.ca/collections/collection\\_2015/trc/IR4-9-4-2015-eng.pdf](https://publications.gc.ca/collections/collection_2015/trc/IR4-9-4-2015-eng.pdf).

<sup>6</sup> Winnipeg Public Library, 2SLGBTQQIA+: Home, n.d., available at:

<https://guides.wpl.winnipeg.ca/2SLGBTQQIA/home>.

<sup>7</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, Reclaiming power and place: final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Executive Summary, June 2021, available at: [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Executive\\_Summary.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Executive_Summary.pdf).

<sup>8</sup> Human Rights Watch, Submission to the Government of Canada: Police Abuse of Indigenous Women in Saskatchewan and Failures to Protect Indigenous Women from Violence, June 2017, page 3 including references, available at:

[https://www.hrw.org/sites/default/files/supporting\\_resources/canada\\_saskatchewan\\_submission\\_june\\_2017.pdf](https://www.hrw.org/sites/default/files/supporting_resources/canada_saskatchewan_submission_june_2017.pdf); Annette Francis, Kiashke Zaaging Anishnaabek taking legal action against Canada over policing, APTN, 5 December 2022, available at: <https://www.aptnnews.ca/national-news/kiashke-zaaging-anishnaabek-taking-legal-action-against-canada-over-policing/>;

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<https://www.cbc.ca/news/canada/thunder-bay/opp-suspends-armstrong-former-detachment-commander-1.6694340>.

<sup>9</sup> UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, *United Nations, Treaty Series*, vol. 999, p. 171, available at:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>10</sup> UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, *United Nations, Treaty Series*, vol. 1465, p.

85, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

<sup>11</sup> Working Group on Enforced or Involuntary Disappearances, General Comment on the Right to the Truth in Relation to Enforced Disappearances, A/HRC/16/48, 26 January 2011, para 39, available at:

[https://www.ohchr.org/Documents/Issues/Disappearances/GC-right\\_to\\_the\\_truth.pdf](https://www.ohchr.org/Documents/Issues/Disappearances/GC-right_to_the_truth.pdf).

<sup>12</sup> Jeremy Sarkin, Why the Prohibition of Enforced Disappearance Has Attained Jus Cogens Status in International Law, *Nordic Journal of International Law*, 81(4), 537-584, available at:

[https://brill.com/view/journals/nord/81/4/article-p537\\_8.xml?language=en](https://brill.com/view/journals/nord/81/4/article-p537_8.xml?language=en).

<sup>13</sup> UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295, available at:

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<https://www.refworld.org/docid/471355a82.html>.

<sup>14</sup> Government of Canada, United Nations Declaration on the Rights of Indigenous Peoples Act, SC 2021, c 14, available at: <https://justice.gc.ca/eng/declaration/index.html>; Government of British Columbia, Declaration on the Rights of Indigenous Peoples Act, SBC 2019, c 44, available at: <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19044>.

<sup>15</sup> UN General Assembly, *Declaration on the Protection of All Persons from Enforced Disappearances*, 12 February 1993, A/RES/47/133, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-protection-all-persons-enforced-disappearance>.

<sup>16</sup> Government of Canada, Criminal Code, R.S., c. C-34, available at: <https://laws-lois.justice.gc.ca/eng/acts/C-46/index.html>.

<sup>17</sup> OHCHR, About Enforced Disappearance, n.d., available at: <https://www.ohchr.org/en/special-procedures/wg-disappearances/about-enforced-disappearance>, citing OHCHR, Report of the WGEID. Addendum. Best practices on enforced disappearances in domestic criminal legislation, A/HRC/16/48/Add.3, 28 December 2010, available at: <https://undocs.org/A/HRC/16/48/Add.3>.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> UN OHCHR, The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016): The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, available at: <https://www.ohchr.org/Documents/Publications/MinnesotaProtocol.pdf>

<sup>24</sup> WGEID, General allegation, 118<sup>th</sup> session (13–22 May 2019), United States of America, available at: [https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/118\\_US\\_A.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/118_US_A.pdf)

<sup>25</sup> UN Human Rights Council, Report of the WGEID, A/HRC/36/39, 31 July 2017, Para 115, available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/36/39&Lang=E>.

<sup>26</sup> Inter-American Court of Human Rights, *Case of Barrios Altos and La Cantuta v. Peru*, available at: [https://corteidh.or.cr/CF/jurisprudencia2/ficha\\_tecnica.cfm?lang=en&nId\\_Ficha=214](https://corteidh.or.cr/CF/jurisprudencia2/ficha_tecnica.cfm?lang=en&nId_Ficha=214)

<sup>27</sup> *Supra*, note 5.

<sup>28</sup> Angela Sterritt, 'This is heavy truth': Tk'emlúps te Secwépemc chief says more to be done to identify unmarked graves. CBC, 15 July 2021, available at: <https://www.cbc.ca/news/canada/british-columbia/kamloops-residential-school-findings-1.6084185>.

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<sup>30</sup> Ian Austen, More Evidence of Children's Graves Is Found at Former Indigenous School, New York Times, 19 January 2023, available at: <https://www.nytimes.com/2023/01/19/graves-indigenous-school-canada.html>.

<sup>31</sup> Truth and Reconciliation Commission of Canada, Calls to Action, 2015, available at: <https://crc-canada.org/en/ressources/calls-to-action-truth-reconciliation-commission-canada/>

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<sup>32</sup> Carina Xue Luo, Missing Children of Indian Residential Schools: On discovery of unmarked

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<sup>33</sup> Government of Canada, Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools, available at:

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<sup>34</sup> Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools, Progress Update Report, November 2022, available at: <https://osi-bis.ca/wp-content/uploads/2022/11/OSI-Progress-Update-Report-EN.pdf>.

<sup>35</sup> Statistics Canada, Violent victimization and perceptions of safety: Experiences of First Nations, Métis and Inuit women in Canada, 26 April 2022, available at:

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<sup>36</sup> Amnesty International, Stolen Sisters: A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada, 2004, available at:

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<sup>37</sup> Missing and Murdered Aboriginal Women and Girls in British Columbia and Canada. Submission to the United Nations Committee on the Elimination of Racial Discrimination on the occasion of its review of Canada's 19<sup>th</sup> and 20<sup>th</sup> reports, January 2012, by Lawyers' Rights Watch Canada and the B.C. CEDAW <https://www.lrwc.org/canada-canadian-groups-call-for-a-national-inquiry-on-missing-and-murdered-women-and-implementation-of-the-un-declaration-on-the-rights-of-indigenous-peoples-joint-statement/>

<sup>38</sup> OHCHR, Canada's failure to effectively address murder and disappearance of Aboriginal women 'grave rights violation' - UN experts: Canada indigenous women, 6 March 2015, available at: <https://www.ohchr.org/en/press-releases/2015/03/canadas-failure-effectively-address-murder-and-disappearance-aboriginal>

<sup>39</sup> National Inquiry on Missing and Murdered Women and Girls, Timeline of Key Milestones, 2015-2019, available at: <https://www.mmiwg-ffada.ca/timeline/>.

<sup>40</sup> National Inquiry on Missing and Murdered Women and Girls, The Final Report of the National Inquiry into Missing and Murdered Indigenous Women And Girls: Reclaiming Power And Place, Volume 1a, available at: [untitled \(mmiwg-ffada.ca\)](https://www.mmiwg-ffada.ca)

<sup>41</sup> *Ibid.*, citing Brenda Gunn, *supra* note 4, at 190.

<sup>42</sup> *Ibid.*, at 697; Women of the Metis Nation, Métis Perspectives of Missing and Murdered Indigenous Women, Girls and LGBTQ2S+ People, 30 June 2019, available at:

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<sup>43</sup> Government of Canada, 2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People, 3 June 2021, available at:

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<sup>44</sup> National Family and Survivors Circle et al, 2022 Progress Report on the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan, May 2022, available at: <https://mmiwg2splus.wpenginepowered.com/wp-content/uploads/2022/06/NAP-progress-report-2022-1.pdf>

<sup>45</sup> *Ibid.*

<sup>46</sup> Brandi Morin, Indigenous women are preyed on at horrifying rates. I was one of them, The Guardian, 7 September 2020, available at:

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<sup>48</sup> Province of Saskatchewan, Report of the Commission of Inquiry into Matters Relating to the Death of Neil Stonechild. The Honourable Mr. Justice David H. Wright, Commissioner, October 2004, available at:

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<sup>49</sup> <https://www.aljazeera.com/features/2021/3/24/the-indigenous-people-killed-by-canadas-police>

<sup>50</sup> Allison Bamford, Independent police oversight team officially active in Saskatchewan, *CTV news*, 4 January 2023, available at: <https://regina.ctvnews.ca/independent-police-oversight-team-officially-active-in-saskatchewan-1.6217200>.

<sup>51</sup> *Supra*, note 8.