

# **Canada: Violence against Indigenous women and girls**

UN Committee on the Elimination of Racial Discrimination  
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Joint statement behalf of:

Amnesty International Canada  
Assembly of First Nations  
Assembly of the First Nations of Quebec and Labrador  
British Columbia Assembly of First Nations  
Canadian Friends Service Committee (Quakers)  
First Nations Summit  
KAIROS  
Oxfam Canada  
Union of BC Indian Chiefs

“...the Committee remains concerned that Aboriginal women and girls are disproportionately victims of life-threatening forms of violence, spousal homicides and disappearances (Art. 5).” -- UNCERD Concluding Observations Canada, Eightieth Session, 4 April 2012, CERD/C/ CAN/CO 19-20

Throughout Canada, First Nations, Inuit and Métis women and girls are much more likely to be targets of violence than all other women and girls. Furthermore, the violence that they experience is often much more severe. According to the best available statistics provided by police, the homicide rate for Indigenous women and girls is at least six times higher than for all other women.<sup>1</sup>

Patterns of violence against Indigenous women are also distinct. As is the case for all women in Canada, spousal and family violence is the most frequent form of violence against Indigenous women and girls. The rates of spousal and family violence against Indigenous women and girls are significantly higher than for other women and girls in Canada. At the same time, however, police statistics indicate that the incidence of murders of Indigenous women and girls outside the home - at the hands of friends, casual acquaintances, co-workers, local authority figures and others - is even more disproportionate.<sup>2</sup>

Numerous studies have associated the high rates of violence against Indigenous women and girls with the impacts of colonization and the continued racism and discrimination facing Indigenous women in Canada.<sup>3</sup> The residential schools programme's efforts to 'kill the Indian in the child', and the terrible abuses suffered by so many children in residential schools, led to an ongoing cycle of violence within Indigenous communities.<sup>4</sup> The violation of Indigenous peoples' rights over lands and resources, and the persistent denial of redress for these violations, has contributed to impoverishment of Indigenous women and families. In combination with the persistent underfunding of services for Indigenous peoples, the economic marginalization of Indigenous women has pushed many into situations such as insecure housing that increase the risk of violence. Racism within Canadian society has made Indigenous women and girls the targets of brutal crimes of racialized, sexual violence. Racist attitudes toward Indigenous peoples have also denied Indigenous women protection and justice.<sup>5</sup> Furthermore, there have

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<sup>1</sup>Zoran Miladinovic and Leah Mulligan, *Homicide in Canada, 2014*, Statistics Canada, 25 November 2015.

<sup>2</sup>Miladinovic and Mulligan, *Homicide in Canada, 2014*.

<sup>3</sup>For example, Amnesty International, *Canada, Stolen Sisters: A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada* (Index: AMR 20/003/2004), 3 October 2004; Native Women's Association of Canada, *What Their Stories Tell Us: Research Findings From the Sisters in Spirit Initiative*, 2010.

<sup>4</sup>Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*, June 2015.

<sup>5</sup>Amnesty International, *No More Stolen Sisters: The need for a comprehensive response to discrimination and violence against Indigenous women in Canada*, (AMR 20/012/2009), September 2009; Wally T. Oppal, *Forsaken: the Report of the Missing Women Commission of Inquiry*, 19 November 2012; Committee on the Elimination of Discrimination against Women, *Report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women*

been disturbing incidents across Canada where police themselves have been the perpetrators of violence.<sup>6</sup> Intensive resource development on the lands of Indigenous peoples have created new social strains within Indigenous communities, while the burden of hosting large numbers of resource workers on Indigenous territories has contributed both to a heightened risk of violence and increased competition for the supports and services Indigenous women need to escape violence.<sup>7</sup>

### **Systemic failure to ensure safety of Indigenous women and girls**

In the report of its investigation into violence against Indigenous women in Canada, the UN Committee on the Elimination of Discrimination against Women noted that while the federal, provincial and territorial governments offer many programs and services for Indigenous women in Canada, the overall response has been fragmented, piecemeal and ultimately inadequate to address the scale and severity of the violence.<sup>8</sup> The report concluded that Canada was responsible for a “grave violation” of the rights of Indigenous women and girls because of its “protracted failure” to ensure that they have the protections and supports they need.<sup>9</sup>

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*under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, 30 March 2015, CEDAW/C/OP.8/CAN/1; Inter-American Commission on Human Rights. *Missing and murdered indigenous women in British Columbia, Canada*. 2015. OEA/Ser.L/V/II. Doc.30/14.

<sup>6</sup> See for example, Human Rights Watch, *Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada*, February 2013 and Human Rights Watch, *Submission to the Government of Canada on Police Abuse of Indigenous Women in Saskatchewan and Failures to Protect Indigenous Women from Violence*, June 2017.

<sup>7</sup> See for example, The Labrador West Status of Women Council et al., *Effects of Mining on Women's Health in Labrador West*, 7 November 2004; Alison Cretney et al., *Boom to Bust: Social and cultural impacts of the mining cycle*, Pembina Institute, 2008; Catherine Coumans and Mining Watch Canada, 'Research on Contested Ground: Women, Mining and Health,' in *Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health*, 3:1, Winter 2005, pp. 9-32; Ginger Gibson and Jason Klinck, 'Canada's Resilient North: The Impact of Mining on Aboriginal Communities,' in *Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health*, 3:1, Winter 2005, pp. 116-139; First Nations Women Advocating Responsible Mining, *Submission to Committee on the Elimination of Racial Discrimination, 80th Session*, January 2012; Conseil du statut de la femme Quebec, *Opinion - Women and Plan Nord: for Equality in Northern Development*, October 2012; Janis Shandro et al., *Ten Steps Ahead: Community Health The Social Dimension of Sustainable Development and the Mining Industry: A Background Paper and Safety in the Nak'al Bun/Stuart Lake Region During the Construction Phase of the Mount Milligan Mine*, December 2014; Pauktuutit, *The impact of resource extraction on Inuit women and families in Qamani'tuaq, Nunuvut Territory: a qualitative assessment*, January 2014; Northern Health, *Understanding the State of Industrial Camps in Northern BC: A Background Paper*, Version 1, 17 October 2012; Clarice Eckford and Jillian Wagg, *The Peace Project: Gender Based Analysis of Violence against Women and Girls in Fort St. John – revised*, Fort St. John Women's Resource Society, February 2014; Amnesty International, *Out of Sight, Out of Mind: Gender, Indigenous Rights and Energy Development in Northeastern British Columbia, Canada*, (AMR 20/4872/2016) November 2016; and The Firelight Group with Lake Babine Nation and Nak'azdli Whut'en, *Indigenous Communities and Industrial Camps: Promoting Healthy Communities in Settings of Industrial Change*, February 2017.

<sup>8</sup> CEDAW, *Canada Investigation*, p. 41.

<sup>9</sup> CEDAW, *Canada Investigation*, p. 53.

A group of independent experts called the Legal Strategies Coalition has identified more than 700 recommendations to stop violence against Indigenous women and girls published in reports in Canada over the last two decades. The Coalition concluded that all but a handful of these recommendations have gone unimplemented.<sup>10</sup>

### **Discriminatory gaps in protections and supports**

Many of the gaps in supports and services are glaring. There is no dedicated federal funding for shelters for Inuit or Métis women while Federal funding for shelters for First Nations women is inadequate to meet their needs and most First Nations women do not have access to shelters in their own communities. As of May 2017, the federal government reported that it funds 41 women's shelters to serve 634 First Nations communities.<sup>11</sup> While Indigenous women may have access to shelters for the general population funded by the provincial and territorial governments, these shelters are often far from their home communities and many do not offer culturally-relevant programming.<sup>12</sup> There are approximately 15 shelters and transitional shelters across the Arctic region. For women in many of the 53 Inuit communities, access to these shelters requires travel by air.

### **The National Inquiry**

In 2016, the federal government initiated a National Inquiry into violence against Indigenous women and girls. Many Indigenous women's organizations had long campaigned for such an Inquiry. The commitment to engage with affected families and communities, and create a public account of the systemic factors putting Indigenous women and girls at risk, is welcome.

At the same time, there are widespread concerns about whether the Inquiry has been afforded adequate time to ensure a full and rigorous examination of the issues and provide affected families and communities the opportunity to have their voices heard. The Inquiry was originally supposed to complete its work and make public its recommendations by 2018. There is now growing uncertainty and unease about the Inquiry timetable, especially since the first hearings were only held this May.

Furthermore, the Inquiry process contains a crucial gap. There is no parallel process to independently reinvestigate individual cases where there is reason to believe that the police investigation was biased or otherwise inadequate. Where evidence of biased and inadequate investigations is brought before the Inquiry, the Inquiry is only empowered to refer the matter back to the original investigating police service. This provides little or no reassurance to affected families that justice will be done for their loved ones.

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<sup>10</sup> Legal Strategies Coalition, Review of Reports and Recommendations on Violence Against Indigenous Women in Canada, February 2015.

<sup>11</sup> Indigenous and Northern Affairs Canada, 'Family Violence Prevention Programme,' 10 March 2017, <http://www.aadnc-aandc.gc.ca/eng/1100100035253/1100100035254>.

<sup>12</sup> Sara Beattie and Hope Hutchins, *Shelters for abused women in Canada, 2014*, Statistics Canada, 2015.

## **The need for both immediate action and a long-term national action plan**

An Inquiry alone is not sufficient to meet the urgent needs of Indigenous women and girls. Particularly in the context of the slow start to the Inquiry, it is more important than ever that the government not wait on the outcome of the Inquiry to take action to address well-known inadequacies in government programmes and services that contribute to the threats facing Indigenous women and girls. In announcing the Inquiry, the federal Minister for Indigenous Affairs and Northern Development said the federal government would not wait for the results of the Inquiry to take action. It remains unclear however what actions the government does intend to take.

The federal government announced a national strategy to prevent gender-based violence on June 19, 2017.<sup>13</sup> The strategy consolidates a number of spending initiatives previously announced in the federal budget. The primary initiative is the creation of a “Gender-based Knowledge Centre” within government to coordinate future actions. The announced initiatives fail to close many of the known gaps in supports and protections needed by Indigenous women and girls, including access to emergency shelters. To date, Canada does not have a national action plan to ensure coordinated and effective prevention and response to violence against women across all jurisdictions.

### **Questions**

What measures does the federal government intend to take to address violence against Indigenous women and girls pending the outcome of the current National Inquiry and when will these measures be put in place?

Given that numerous previous inquiries and reports have documented significant issues of bias affecting police response to cases of missing and murdered Indigenous women and girls, what measures is the government taking to ensure that the duty to undertake full and effective investigations have been properly discharged in unresolved missing persons cases, suspicious deaths and homicides involving Indigenous women and girls?

What measures is Canada taking to ensure that various programmes and initiatives at the federal, provincial and territorial levels are coordinated as part of comprehensive response in keeping with the scale and severity of violence facing Indigenous women and girls?

### **Recommendations**

1. We urge the federal government to work in collaboration with Indigenous women’s organizations, and the Indigenous women advocates and experts who have long been

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<sup>13</sup> Status of Women Canada, *It’s Time: Canada’s Strategy to Prevent and Address Gender-Based Violence*, 19 June 2017. <http://www.swc-cfc.gc.ca/violence/strategy-strategie/index-en.html>

deeply engaged in these issues, to immediately address well-known gaps and inadequacies in the supports provided to end violence against Indigenous women and girls including increasing the numbers of shelters in Indigenous communities and increasing supports, including supports to capacity, operations and maintenance, to all shelters serving Indigenous women.

2. We call on the federal government to ensure that the timeframe for hearings carried out by the National Inquiry on Missing and Murdered Indigenous Women and Girls is adequate to ensuring a thorough and effective examination and for affected families to be heard.
3. We ask that the federal government commit to working with Indigenous women's organizations and with the provincial and territorial governments to develop a truly comprehensive national action plan on violence against women informed by existing reports and studies on violence against Indigenous women and girls and able to respond to the interim and final reports of the National Inquiry.