

# Canada: The Realities of Indigenous Women's Civil and Political Rights

## **Report to the UN Human Rights Committee** 145<sup>th</sup> Session, March 2026

Regarding the Committee's Consideration of the Seventh  
Periodic Report of Canada under the International Covenant of  
Civil and Political Rights (ICCPR)



## Ontario Native Women's Association



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*“Safety looks like a whole community caring for Indigenous women, loving Indigenous women, uplifting their voices, protecting their children, educating their children, feeding their children. Safety looks like love multiplied. Safety is found at the end of colonial violence. Let’s stop the violence, the trauma. Let the women lead.”*

– Quote from Community Member, 2018

*“Regrettably, the most significant achievements are often acquired through court decisions or case settlement rather than implementation of governmental policies, and these advances are ultimately the result of Indigenous Peoples’ strong determination and unabated courage to defend their rights.”*

– Special Rapporteur on the Rights of Indigenous Peoples’ [2023 Country Visit to Canada Report](#)

## Executive Summary

The Ontario Native Women’s Association (ONWA) is the oldest and largest Indigenous women’s organization in Canada, representing over 35 Indigenous women’s organizations and groups (see Appendix 1). For over 50 years, ONWA has worked to advance the rights of Indigenous women in Canada regardless of status or location, improve Indigenous women’s safety, and restore our leadership. Despite the tireless grassroots efforts and advocacy from Indigenous women and our organizations, Indigenous women in Canada are still not safe, and our inherent rights continue to be undermined.

In our report, we have assessed Canada’s progress against the previous recommendations made by the Human Rights Committee on six issues related specifically to Indigenous women’s rights. We have then analyzed Canada’s response in its Seventh Periodic Report to the Committee’s list of issues, applying an Indigenous Gender Based Analysis framework to demonstrate the reality for Indigenous women.

Our assessment shows that **Canada has made little progress on implementing the recommendations from this Committee's previous Concluding Observations or in responding to the Committee’s more recent list of issues.** This includes:

1. Failing to establish a national mechanism for domestic implementation, reporting and follow up that operates in a transparent and accountable manner and ensures the full participation of all levels of government and of civil society, including Indigenous women and their organizations
2. Continuing to violate Indigenous women’s right to self determination and to participate in decisions that impact their rights and interests
3. Failing to address as a priority the national crisis of Missing and Murdered Indigenous Women
4. Failing to fully remedy the remaining discriminatory effects of the *Indian Act*
5. Failing to address the overrepresentation of Indigenous women in Canada’s criminal justice system
6. Continuing to violate the rights of Indigenous women in custody

Canada’s response to the Committee’s request for information on progress on each of these issues is inadequate, lacks transparency, and obscures the truth for Indigenous women. ONWA has provided additional data and more detailed information to clarify Indigenous women’s lived realities and amplify the voices of the thousands of Indigenous women we serve and whose issues we advocate for.

## ONWA's Recommendations:

To remedy the ongoing infringements to our civil and political rights, Canada must:

### **1. With respect to Implementation of International Human Rights Obligations (Article 2):**

- 1.1. Establish a domestic implementation and accountability mechanism with the authority and resources to coordinate and monitor implementation of international treaty obligations and treaty body recommendations across all levels of government in Canada, and ensure timely, transparent public reporting on progress. This mechanism must also facilitate the full participation of Indigenous women's organizations, and civil society organizations (CSOs).
- 1.2. Implement the Special Rapporteur on the Rights of Indigenous Peoples' 2023 recommendation and the National Inquiry in MMIWG's Call for Justice 1.7 to set up an independent Indigenous-led human rights mechanism.

### **2. With respect to Self-determination and Indigenous Women's Equal Participation in Decision-Making (Articles 1, 2, 3 and 27):**

- 2.1. Implement an inclusive and intersectional relationship framework with Indigenous Peoples that ensures Indigenous women and our organizations participate in government decision-making, policy and program development that impacts our rights and interests, and benefit from resources being allocated to address key issues of concern to us and our families.

### **3. With respect to Missing and Murdered Indigenous Women and Girls (Articles 2, 3, 6, 7, and 26):**

- 3.1. Provide core, sustainable funding to Indigenous women's organizations to design and implement culturally grounded responses to violence that improve Indigenous women's safety and promote family and community healing; and implement funding models that direct resources towards organizations serving those who are disproportionately targeted for gender-based violence.
- 3.2. Directly involve Indigenous women and our organizations in all stages of the resource development process, including project oversight, to ensure Indigenous women's safety is centred throughout; and invest in violence prevention programs in communities to address the risks to Indigenous women's safety associated with these projects.

### **4. With respect to the *Indian Act* (Articles 2, 3, 26, and 27):**

- 4.1. Immediately and fully eliminate all remaining sex discrimination within the *Indian Act*. Canada must:
  - a) Remove the second-generation cut-off, the 1985 cut-off, and the two parent-rule, and implement a one parent-rule for transmission of status.
  - b) Specify that women who have lost band membership because of discrimination in the Act have an unrestricted right to membership with their natal band when and if they choose.

- c) Remove bars to compensation for First Nations women and their descendants for the harms caused by sex discrimination in the *Indian Act*.
- d) Provide sufficient financial resources to First Nations to support increased membership as a result of the removal of discriminatory provisions of the *Indian Act*, and allocate adequate resources to ensure the timely processing of registration applications.

**5. With respect to the Overrepresentation of Indigenous Women in Canada's Criminal Justice System (Articles 2, 14, 26, 27)**

- 5.1. Provide sufficient, sustainable funding for Indigenous women's organizations to address the root causes of Indigenous women's involvement in Canada's criminal justice system by improving Indigenous women's safety, healing, and economic security.
- 5.2. Ensure the full participation of Indigenous women and their organizations in the implementation of the Indigenous Justice Strategy and the design and delivery of other decarceration strategies, policies and initiatives.

**6. With respect to the Conditions and Treatment of Indigenous Women in Custody (Articles 2, 6, 7, 10, 23, 26, 27)**

- 6.1. Ensure access to Indigenous-led, culturally grounded, community-based restorative justice options as alternatives to incarceration for all Indigenous women, including pre-charge diversion as well as non-custodial sentencing options, and provide sufficient resources to Indigenous organizations and communities to deliver these programs.
- 6.2. Require comprehensive Indigenous cultural competency training for all those working within the criminal legal system, with a specific focus on trauma and the safety and lived experiences of Indigenous women and girls.
- 6.3. Partner with Indigenous women's organizations to redesign new culturally appropriate and gender-specific assessment and classification tools for Indigenous women serving custodial sentences.

## Introduction

As some Member States retreat from their international human rights obligations, Canada has signalled its ongoing commitment to the United Nations (UN) system and the protection of human rights guaranteed under international law.<sup>1</sup> This must include Canada's domestic obligations and the civil and political rights of Indigenous women.

The Committee's seventh review of Canada is proceeding amid seismic shifts in international relations and a reordering of the post-1945 international system that produced the Universal Declaration of Human Rights and its associated human rights treaties.

In this context, it is imperative that Canada provide global leadership and demonstrate tangible progress to advance human rights within its own borders. Our report identifies a clear path to rectifying the ongoing violations of Indigenous women's civil and political rights in Canada. The Human Rights Committee has championed Indigenous women's rights over the last 50 years, and we urge the Committee to continue to hold Canada accountable for its obligations to Indigenous women under the Covenant.

### 1. Implementation of International Human Rights Obligations (Article 2)

Status of Committee Recommendation (CCPR/C/CAN/CO/5, para. 5): <sup>2</sup> <b>Not implemented</b>
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Despite Canada's ongoing global advocacy to uphold and advance human rights, its approach to domestically implementing its international human rights obligations, including its commitments under the ICCPR, continues to be inadequate. Canada has made little progress to advance this Committee's recommendation, made more than 20 years ago, to establish transparent accountability procedures that ensure oversight of Covenant implementation and the full participation of all levels of government and of civil society, including Indigenous Peoples (CCPR/C/CAN/CO/5, para. 5).

This concern continues to be raised by the international community and human rights treaty bodies. In 2023, Canada received and accepted two recommendations through the fourth Universal Periodic Review calling for the creation and strengthening of a national mechanism for implementation, reporting and follow-up (NMIRF) (A/HRC/55/12, paras. 37.68 and 37.69). Shortly thereafter, in 2024, the UN High Commissioner for Human Rights wrote to Canada encouraging the establishment a NMIRF in line with UN guidance to ensure "a coordinated and effective approach to reporting to international human rights mechanisms, and to implementing the recommendations."<sup>3</sup> Most recently, the Committee on the

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<sup>1</sup> Carney, M. (2026, Jan. 20). *Principled and pragmatic: Canada's path* [Address]. World Economic Forum, Davos, Switzerland. <https://www.pm.gc.ca/en/news/speeches/2026/01/20/principled-and-pragmatic-canadas-path-prime-minister-carney-addresses>

<sup>2</sup> **The State party should establish procedures, by which oversight of the implementation of the Covenant is ensured, with a view, in particular, to reporting publicly on any deficiencies. Such procedures should operate in a transparent and accountable manner, and guarantee the full participation of all levels of government and of civil society, including indigenous peoples.**

<sup>3</sup> Türk, V. (2024, June 26). Letter to the Minister of Foreign Affairs of Canada. <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session44/upr-hc-letter-canada-eng.pdf>



Elimination of Discrimination Against Women (CEDAW) recommended that Canada expedite the finalization of a national mechanism to report, implement and follow-up on international recommendations, ensuring meaningful involvement of CSOs (CEDAW/C/CAN/CO/10, para. 12). This followed similar recommendations from the same committee in 2016 and 2008 (CEDAW/C/CAN/CO/8-9, para. 11, and CEDAW/C/CAN/CO/7, para. 12).

Canada's federal system of government, which divides responsibilities among federal, provincial and territorial governments, is often cited by Canada as a key barrier.<sup>4</sup> However, UN human rights monitoring bodies have been clear that federalism should not constitute a barrier to human rights implementation.<sup>5</sup>

## Seventh Periodic Report: Canada's Response and the Reality for Indigenous Women

In responding to Issue 1 (CCP/C/CAN/QPR/7) and the Committee's most recent request to describe new measures in relation to implementation of the Covenant, including consultation efforts with civil society and state officials, Canada provides a list of various pieces of disparate legislation enacted since 2016 that align with ICCPR articles (CCPR/C/CAN/7 para. 5). However, a critical gap remains: there is no legally mandated centralized mechanism to ensure that Canada is coherently and transparently implementing recommendations of the Human Rights Committee and other UN treaty monitoring bodies across all levels of government in collaboration with civil society and Indigenous Peoples.<sup>6</sup> **Canada urgently requires an effective interjurisdictional domestic mechanism for implementation that goes beyond the coordination of information gathering for reporting to the UN and ensures meaningful engagement with Indigenous women's organizations and CSOs.**

Despite some recent developments,<sup>7</sup> current procedures remain insufficient and fall short of international best practice and the requirements identified by the UN High Commissioner as necessary for an effective NMIRF.<sup>8</sup> Various government human rights tables have been established, but there continues to be a lack of transparency; insufficient engagement with civil society and rights holders, including Indigenous women and their organizations; a lack of clear political leadership (no single minister or ministry responsible for human rights, at any level of government); and no framework for operationalizing recommendations from human rights monitoring bodies.<sup>9</sup>

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<sup>4</sup> Ho, J. (2025). pp. 30-31.

<sup>5</sup> See for example, UN Human Rights Council. (2019). *Visit to Canada: Report of the Special Rapporteur on Violence Against Women and Girls, Its Causes and Consequences*. A/HRC/41/42/Add.1.

<sup>6</sup> Ho, J. et al. (2025). *Strengthening Canada's Implementation, Reporting and Follow-Up for International Human Rights Commitments*. Maytree. [https://maytree.com/wp-content/uploads/strengthening\\_CA\\_implementation\\_reporting\\_follow-up\\_international\\_HR\\_commitments.pdf](https://maytree.com/wp-content/uploads/strengthening_CA_implementation_reporting_follow-up_international_HR_commitments.pdf)

<sup>7</sup> ONWA understands that a draft implementation framework has been developed by the federal government but it remains narrowly focused on work internal to the federal government (rather than collective decision-making, inter-jurisdictional coordination and accountability). It is not publicly available, civil society and Indigenous organizations were not engaged in its development, and the status of its proposals is unknown.

<sup>8</sup> UN Office of the High Commissioner for Human Rights. (2016). *National Mechanisms for Reporting and Follow-up: A Practical Guide to Effective State Engagement with International Human Rights Mechanisms*. [https://www.ohchr.org/sites/default/files/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf)

<sup>9</sup> Neve, A. (2023). *Closing the Implementation Gap: Federalism and Respect for Human Rights in Canada*. Centre of Excellence on the Canadian Federation. <https://centre.irpp.org/wp-content/uploads/sites/3/2023/05/Closing-the->

Federal, provincial and territorial ministers have convened only four times in the past 38 years to discuss human rights.<sup>10</sup> A standing committee of mid-level officials across federal, provincial and territorial governments (The Continuing Committee of Officials on Human Rights [CCOHR] - since 1975) primarily serves as a forum for information-sharing and preparing reports to UN human rights bodies and has only recently included limited communication with CSOs and Indigenous organizations, restricted to one-way exchanges of information. A Senior Officials Committee Responsible for Human Rights (SOCHR) was established in 2017, but like the CCOHR, it meets infrequently; committee meetings are not public and programs of work and meeting outcomes are not shared; it has no decision-making authority, and it has limited engagement outside of government. While Canada recently committed to convening a forum of Federal-Provincial-Territorial Ministers every two years to discuss human rights reporting and monitoring, this forum has not met since 2023 and to date has failed to address the longstanding issues around transparency and accountability.<sup>11</sup>

OHCHR guidance advises that NMIRF should involve rights holders who are most affected by human rights issues and violations, including disadvantaged and marginalized groups and individuals.<sup>12</sup> In Canada, Indigenous women hold unique and distinct rights as women and as Indigenous Peoples, and Canada has received numerous recommendations from this Committee and other treaty monitoring bodies pertaining to our rights. However, no mechanism exists to involve our organizations in the preparation of periodic reports, or in operationalizing and monitoring these recommendations. We share the frustrations voiced by CSOs that current “consultation” channels do not allow for meaningful dialogue. Instead, Indigenous organizations and CSOs are infrequently brought together to receive technocratic information from government representatives, with limited opportunity to present our concerns and suggestions, which, when raised, receive minimal response or engagement from the government representatives present.<sup>13</sup>

The result is a continued failure to satisfactorily address the recommendations of this Committee and other treaty body monitoring bodies.

In March 2025, a group of CSOs inclusive of ONWA, put forward a proposal to Canada to test a new collaborative and inter-jurisdictional domestic implementation framework for treaty body recommendations. Canada has yet to provide a formal response to this proposal.

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[Implementation-Gap-Federalism-and-Respect-for-International-Human-Rights-in-Canada.pdf](#); White, A. (2024). *In Search of Political Will: Strengthening Canada’s mechanisms for the domestic implementation of international human rights commitments*. Maytree. <https://maytree.com/wp-content/uploads/In-search-of-political-will.pdf>

<sup>10</sup> In 1988, 2017, 2020 and 2023.

<sup>11</sup> Neve, A. (2023).

<sup>12</sup> UN Office of the High Commissioner for Human Rights. (2016). *National Mechanisms for Reporting and Follow-up: A Practical Guide to Effective State Engagement with International Human Rights Mechanisms*. p.20. [https://www.ohchr.org/sites/default/files/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf)

<sup>13</sup> See Equitas. (2024). *UPR 4: Your voice counts!* p. 8. [https://equitas.org/wp-content/uploads/2024/02/RapportConsultationEPU\\_EN\\_2024.pdf](https://equitas.org/wp-content/uploads/2024/02/RapportConsultationEPU_EN_2024.pdf) ; and Neve, A. (2024, Nov. 5). Canada. Parliament. House of Commons. Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. *Evidence*. 44<sup>th</sup> Parliament, 1<sup>st</sup> Session, Meeting no. 60. <https://www.ourcommons.ca/DocumentViewer/en/44-1/SDIR/meeting-60/evidence>



### ONWA's Recommendations

- 1.1 Establish a domestic implementation and accountability mechanism with the authority and resources to coordinate and monitor implementation of international treaty obligations and treaty body recommendations across all levels of government in Canada, and ensure timely, transparent public reporting on progress. This mechanism must also facilitate the full participation of Indigenous women's organizations and CSOs.
- 1.2 Implement the Special Rapporteur on the Rights of Indigenous Peoples' 2023 recommendation and the National Inquiry in MMIWG's Call for Justice 1.7 to set up an independent Indigenous-led human rights mechanism.

## 2. Self-determination and Indigenous Women's Equal Participation in Decision-Making (Articles 1, 2, 3 and 27)

Status of Committee Recommendation (CCPR/C/CO/6, para. 16):<sup>14</sup> **Not implemented**

This Committee's previous recommendation to Canada to consult with Indigenous Peoples whenever legislation and actions impact on our lands and our rights has not been implemented for Indigenous women (CCPR/C/CO/6, para. 16). Instead, the particular approach to Indigenous relations that Canada has been pursuing since 2015 – which it has termed a “*nation-to-nation, government-to-government, distinction-based relationship*” – is discriminatory towards Indigenous women and our organizations, and undermines our right to self-determination and equal participation in decision-making.<sup>15</sup> This discrimination has been recognized by CEDAW, which has called for Canada to ensure Indigenous women's organizations are included in the countrywide nation-to-nation relationship (CEDAW/C/CAN/CO/8-9, para. 21 (c)).

Indigenous women have inherent leadership rights, and as Indigenous Peoples, we have the right to self-determination and meaningful participation in decisions that affect us, as affirmed in Article 2 of the Covenant. These rights are being violated by Canada's current policy framework for Indigenous relations which upholds the paternalistic and colonial practices that have long contributed to the marginalization and silencing of Indigenous women.

### Seventh Periodic Report: Canada's Response and the Reality for Indigenous Women

In responding to Issue 24 (CCPR/C/CAN/QPR/7), Canada claims to have shifted its approach to Indigenous relations to one that “ensures Indigenous groups have a seat at the table where decisions and policies are

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<sup>14</sup> **The State party should consult indigenous people to (a) seek their free, prior and informed consent whenever legislation and actions impact on their lands and rights.**

<sup>15</sup> In Canada, a distinctions-based approach means working independently with First Nations Peoples, Inuit and Métis Peoples (the three groups recognized in Canada's constitution) through their representative organizations and recognizing each of these groups as distinct Peoples with unique rights, cultures, histories, and governments, rather than a single homogeneous group.

being made that impact their rights and interests” (CCPR/C/CAN/7, para. 163). Indigenous women are the experts in our own lives and we hold the solutions to the issues that we face. Yet, Indigenous women and our organizations do not have a seat at federal government tables where decisions and policies are made that impact our unique and intersectional rights and interests as women and as Indigenous Peoples. Instead, under Canada’s nation-to-nation framework, co-development processes and engagement with Indigenous Peoples is predominantly occurring through distinctions-based National Indigenous Organizations representing First Nations, Inuit and Métis, and (predominantly male) First Nations leadership established under the *Indian Act*.<sup>16</sup> Federal departments are relying on the National Indigenous Organizations and distinctions-based leadership to speak to the interests and issues of all Indigenous Peoples, and to distribute resources to the Indigenous population across Canada.

This approach discriminates against Indigenous women and fails to uphold our right to self-determination in several ways. First, **Indigenous women are being excluded from decision-making on issues that impact their lives.** National Indigenous Organizations and distinctions-based Indigenous governments are not designed to represent the voices of Indigenous women or meaningfully speak to our experiences, especially the experiences and challenges facing urban Indigenous women. Colonialism and the imposition of patriarchal values and governance structures have led to a situation where women’s voices and perspectives have been marginalized from the leadership of Indigenous governments. For example, the *Indian Act* prohibited First Nations women from voting or participating in band governance until 1951. Many Indigenous women have been forcefully disconnected from their home communities in other ways, such as the discriminatory provisions in the *Indian Act* that stripped First Nations women of their Indian status and band membership based on who they married, forced relocation, the Indian Residential School System, and the “Sixties Scoop”. Many Indigenous women and their families also move to urban centres for employment, education, and services. Today, 83% of Indigenous women in Canada live “off-reserve” in cities and towns across the country.<sup>17</sup> The result is that many Indigenous governments do not adequately represent the voices of women, particularly those who live in urban areas or otherwise away from their home territories.

In response, Indigenous women have formed our own associations and organizations to represent our issues, advocate for our issues, and meet our unique needs. Yet our organizations are excluded from the nation-to-nation relationship because we are not deemed to be distinctions-based governing bodies representing Indigenous nations. This is because our organizations advocate for and serve *all* Indigenous women, whether First Nations, Inuit or Métis, regardless of status or location. This means that the voices of the thousands of Indigenous women we serve and advocate for are excluded from engagement and decision-making on issues that impact our lives, leading to policy, legislation and programs that fail to meet our needs.

As an example, Canada passed the *One Canadian Economy Act* (Bill C-5) in 2025, which aims to accelerate domestic resource development projects in response to changing international trade relationships. Despite the clearly documented links between resource development and violence against Indigenous

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<sup>16</sup> Under the *Indian Act*, First Nations women were barred from voting and participating in band governance until 1951. Patriarchal values have become embedded within some First Nations governance structures, resulting in limited (but increasing) numbers of female chiefs and members of council.

<sup>17</sup> Statistics Canada. (2022). [Table 98-10-0264-01 Indigenous identity by Registered or Treaty Indian status and residence by Indigenous geography: Canada, provinces and territories](#)

women,<sup>18</sup> Indigenous women's organizations have been excluded from national dialogues and Indigenous advisory processes established by the federal government,<sup>19</sup> which have prioritized National Indigenous Organizations and distinctions-based governments. As a result, the issue of Indigenous women's safety has received little to no attention by government decision-makers tasked with approving major projects under the Act. Without strategies in place to protect Indigenous women's safety and hold project proponents accountable, there is a risk that violence against Indigenous women in Canada – already occurring at alarming rates – will further increase. In its Seventh Report, Canada references “steps taken to support Indigenous women and other underrepresented intersectional groups in building their capacity to meaningfully participate” in impact assessment and regulatory processes in relation to major development projects (para. 164). However, ONWA is the oldest and largest Indigenous women's organization in Canada, and we are not aware of any participation supports or direct engagement with Indigenous women's organizations as part of the resource development process either prior to or following the passing of the *One Canadian Economy Act*. The need for Indigenous women's involvement in resource development was identified by CEDAW in its review of Canada in 2024, which called on Canada to protect Indigenous women from gender-based violence in the context of extractive industries and establish effective mechanisms to ensure that the activities of mining companies and extractive industries are subject to the free, prior and informed consent of affected Indigenous women (CEDAW/C/CAN/CO/10, para. 42 (c) and (d)).

The second challenge to Indigenous women's self-determination is the reliance on National Indigenous Organizations and Indigenous governments to distribute resources to the Indigenous population, including funding to address issues specific to Indigenous women. This means that **Indigenous women's organizations, who are best equipped to meet the needs of Indigenous women, do not benefit from an equitable financial relationship with Canada**. Federal funding for Indigenous Peoples in Canada is in general insufficient to meet the needs and address the ongoing disparities in health, education, and child welfare, for example. However, while insufficient, the federal government's pursuit of a nation-to-nation relationship means that resources are often directly allocated to National Indigenous Organizations and distinctions-based political organizations, including core and long-term funding. In contrast, Indigenous women's organizations must compete against one another and against other Indigenous organizations for short-term, project-based funding. Our organizations are also not prioritized for funding to address human rights issues that disproportionately impact Indigenous women, such as gender-based violence. This approach hampers the ability of Indigenous women to develop and deliver our own solutions to effectively address the unique systemic and inter-connected issues we face.

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<sup>18</sup> See for example: Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2022) *Responding to the Calls for Justice: Addressing Violence Against Indigenous Women and Girls in the Context of Resource Development Projects*. 44<sup>th</sup> Parliament, 2<sup>nd</sup> Session. Report 5. <https://www.ourcommons.ca/DocumentViewer/en/44-1/FEWO/report-5>; ONWA. (2019). *Journey to Safe Spaces*. [https://www.onwa.ca/files/ugd/33ed0c\\_1a2b7218396c4c71b2d4537052ca47cd.pdf](https://www.onwa.ca/files/ugd/33ed0c_1a2b7218396c4c71b2d4537052ca47cd.pdf); and National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG). (2019). *Reclaiming Power and Place: Final Report of the National Inquiry into MMIWG, Vol 1a*, pp. 584-95. [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf)

<sup>19</sup> For example, the Indigenous Advisory Council assembled by the federal government to advise its Major Projects Office has no representation from Indigenous women's organizations. Members of this Council represent distinction-based organizations and governments (First Nations, Inuit, and Métis).

## ONWA's Recommendations

- 2.1 Implement an inclusive and intersectional relationship framework with Indigenous Peoples that ensures Indigenous women and our organizations participate in government decision-making, policy and program development that impacts our rights and interests, and benefit from resources being allocated to address key issues of concern to us and our families.

## 3. Missing and Murdered Indigenous Women and Girls (Articles 2, 3, 6, 7, and 26)

Status of Committee Recommendation (CCPR/C/CAN/CO/6, para 9):<sup>20</sup> **Not implemented**

The national crisis of Missing and Murdered Indigenous Women and Girls (MMIWG) in Canada continues unabated, despite the recommendation from this Committee in 2016 calling on Canada to address this issue as a matter of priority. Several other international human rights bodies, including CEDAW,<sup>21</sup> the Inter-American Commission on Human Rights,<sup>22</sup> the Special Rapporteur on the Rights of Indigenous Peoples,<sup>23</sup> and the Human Rights Council through the Universal Periodic Review process<sup>24</sup> have similarly called on Canada to immediately respond to the ongoing MMIWG crisis.

After more than 50 years of tireless advocacy by Indigenous women and their families, Canada at last completed a National Inquiry into MMIWG in 2019. The final report from the Inquiry and its 231 Calls to Justice have helped to raise awareness of the crisis and its root causes embedded in Canada's colonial past and present; however, **Indigenous women have seen little substantive action, investment, or**

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<sup>20</sup> **The State party should, as a matter of priority, (a) address the issue of murdered and missing indigenous women and girls by conducting a national inquiry, as called for by the Committee on the Elimination of Discrimination Against Women, in consultation with indigenous women's organizations and families of the victims; (b) review its legislation at the federal, provincial and territorial levels, and coordinate police responses across the country, with a view to preventing the occurrence of such murders and disappearances; (c) investigate, prosecute and punish the perpetrators and provide reparation to victims; and (d) address the root causes of violence against indigenous women and girls.**

<sup>21</sup> In 2015, the CEDAW Committee made 38 recommendations to Canada to immediately respond to the MMIWG crisis (CEDAW/C/OP.8/CAN/1). Nine years later, in 2024, the CEDAW Committee called on Canada to implement these 38 recommendations without delay and made an additional 3 recommendations as part of its Concluding Observations on Canada's tenth periodic report (CEDAW/C/CAN/CO/10, para. 26).

<sup>22</sup> Inter-American Commission on Human Rights. (2014). *Missing and Murdered Indigenous Women in British Columbia*. OEA/Ser.L/V/II.

<sup>23</sup> In 2013, the Special Rapporteur on the Rights of Indigenous Peoples called on Canada to undertake a comprehensive, nationwide inquiry into the situation of missing and murdered Indigenous women and girls (A/HRC/27/52/Add.2, para. 89). Ten years later, in his 2023 report on this country visit to Canada, the Special Rapporteur notes the MMIWG genocide is ongoing and that many of the Calls for Justice have not been addressed, despite repeated calls from Indigenous Peoples and Indigenous-led organizations for Canada to address the growing crisis (A/HRC/54/31/Add.2).

<sup>24</sup> Through successive Universal Periodic Review cycles, Member States and the Human Rights Council have repeatedly called upon Canada to address the ongoing violence against Indigenous women and girls - see A/HRC/11/17 Section II, paras. 86.15, 86.27, 86.33-6 (2009); A/HRC/24/11 (2013); A/HRC/39/11 (2018); A/HRC/39/2, paras. 743-789 (2020); A/HRC/55/12 (2023).

**leadership by any level of government to improve our safety.** Instead, Canada's response has been marked by a lack of transparency and accountability; underfunding and misaligned funding; and slow implementation of the Calls for Justice.

As a result, Indigenous women continue to face among the highest rates of violent victimization of all population groups in Canada.<sup>25</sup> The National Inquiry into MMIWG found that Indigenous women are 12 times more likely than any other woman in Canada to go missing or be murdered.<sup>26</sup> **This violence has been increasing at an exponential rate since the National Inquiry was launched in 2016:**

- The homicide rate for Indigenous women in Canada is now 8 times the rate for non-Indigenous women (6.74 and 0.8 homicide victims, respectively, per 100,000 population), compared to 3 times the rate in 2016 (3.39 and 0.71 respectively).<sup>27</sup>
- The homicide rate for Indigenous women increased by almost 100% (doubled) from 2016-2024 – almost 10 times the increase in the homicide rate for non-Indigenous women (12%) over the same period.<sup>28</sup>

At the same time, **Canada's justice system continues to fail Indigenous women victims and their families.** Analysis shows that police are 1.5 times more likely to lay or recommend a manslaughter charge when the victim is Indigenous as opposed to first- or second-degree murder.<sup>29</sup> Manslaughter carries no minimum sentence unless a firearm is involved. When incidents of homicide of Indigenous women and girls moved to court, manslaughter charges are twice as common when the victims were Indigenous women and girls than when they are not. The average length of sentenced custody is also three years shorter for those found guilty in a case involving the homicide of an Indigenous woman or girl, compared to when the victim is non-Indigenous.<sup>30</sup>

Our lives continue to be devalued and our safety dismissed by governments and by the very systems intended to protect the people of this country. Canada's continued inaction is a form of systemic discrimination and structural violence against Indigenous women, and violates its obligations under Articles 2, 3, 6, 7, and 26 of the Convention.

## Seventh Periodic Report: Canada's Response and the Reality for Indigenous Women

Canada's response to the MMIWG National Inquiry, the MMIWG National Action Plan, provides another example of Canada's failure to respect Indigenous women's right to self determination and equal participation in decision-making. The federal government adopted a distinctions-based approach to the

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<sup>25</sup> For example, 63% of Indigenous women have experienced violent victimization in their lifetime compared to 45% of non-Indigenous women. See: Heidinger, L. (2022). Violent victimization and perceptions of safety: Experiences of First Nations, Métis and Inuit women in Canada. *Juristat*. Statistics Canada. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00004-eng.htm>

<sup>26</sup> National Inquiry into MMIWG. (2019). p. 55.

<sup>27</sup> Statistics Canada. (2025). [Table 35-10-0156-01: Number, percentage and rate of homicide victims, by gender and Indigenous identity.](#)

<sup>28</sup> Statistics Canada. (2025). [Table 35-10-0156-01.](#)

<sup>29</sup> Burczycka, M. and Cotter, A. (2023). Court outcomes in homicides of Indigenous women and girls, 2009 to 2021. *Juristat*. Statistics Canada. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2023001/article/00006-eng.htm>

<sup>30</sup> Burczycka, M. and Cotter, A. (2023).



Action Plan's development, which meant that many Indigenous women's organizations were excluded from the co-development process.<sup>31</sup> Like other regional Indigenous women's organizations, ONWA was not permitted to participate in the national Working Groups convened to identify the priorities and actions to be included in the National Action Plan, despite ONWA being the oldest and largest Indigenous women's organization in Canada, representing over 35 Indigenous women's organizations and groups in the province with the highest population of Indigenous women and among the highest cases of MMIWG.

**Implementation of the National Action Plan has been slow, and Indigenous women have not seen an improvement to their safety as a result of government-led action.** Of the 220 Calls for Justice applicable to the federal government, Canada reports that only two Calls are fully completed, and action has yet to begin on 105 (47%).<sup>32</sup>

**There exists no national mechanism to effectively coordinate, monitor and publicly report on implementation of the National Action Plan.** While Canada has convened three annual roundtables of federal, provincial/territorial and Indigenous leaders on MMIWG since 2023, these meetings have principally served as a forum for limited exchanges of information rather than meaningful dialogue on implementation priorities and planning and evaluation of investments. In accordance with Canada's nation-to-nation, distinctions-based relationship framework, invitations to this meeting are primarily restricted to National Indigenous Organizations and distinctions-based groups, meaning that Indigenous women's organizations and other Indigenous organizations working to address gender-based violence in communities are excluded from these meetings unless a province or territory invites the organization to attend on their behalf.

**Funding to address violence against Indigenous women and its root causes has been insufficient.** In responding to Issue 11 (CCPR/C/CAN/QPR/7, para. 11), Canada references its direct investments in the areas of housing, infrastructure, shelters, and mental wellness supports (CCPR/C/CAN/7, para. 66). However, funding for Indigenous Peoples continues to be primarily distinctions-based, including funding for MMIWG. **Canada's continued application of a nation-to-nation, distinctions-based funding framework means that Indigenous women's organizations who are best equipped to meet Indigenous women's needs do not have access to these investments.** Canada's 2021 Federal Budget committed \$2.2 billion over five years to addressing and responding to MMIWG, yet ONWA's analysis found that very little of this funding went to Indigenous women's organizations and urban Indigenous organizations serving the 83% of Indigenous women in Canada who live in urban centres, where the majority of violence occurs.<sup>33</sup> There is an overall lack of transparency over where this funding has gone and what impact it has had on Indigenous women's safety.

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<sup>31</sup> The working group structure to inform the development of the MMIWG National Action Plan included a First Nations Working Group, an Inuit Working Group, a Métis Working Group and an Urban Working Group. There was no working group dedicated to Indigenous women's organizations or other Indigenous organizations mandated to address violence against Indigenous women, such as violence against women shelters.

<sup>32</sup> Crown and Indigenous Relations and Northern Affairs Canada. (2025, Jan. 29). *Reporting on the Calls for Justice*. <https://www.rcaanc-cirnac.gc.ca/eng/1731511917361/1757442040301>

<sup>33</sup> Statistics Canada. (2022). [Table 98-10-0264-01 Indigenous identity by Registered or Treaty Indian status and residence by Indigenous geography: Canada, provinces and territories](#); and Thomson Reuters. (2025). *New research highlights tragic intersection between the disappearance of Indigenous women and human trafficking in Canada* [Press Release]. <https://www.thomsonreuters.com/en/press-releases/2025/july/new-research-highlights-tragic-intersection-between-the-disappearance-of-indigenous-women-and-human-trafficking-in-canada>

**Moving forward, Canada has no plans to invest in addressing and responding to MMIWG.** Canada's most recent federal budget announced in October 2025 included no funding for Indigenous women or our safety – Indigenous women and the ongoing crisis of MMIWG were not mentioned once in the 493-page document.<sup>34</sup> In contrast, Canada is investing \$2 billion to support critical mineral projects and companies – an investment that is likely to increase violence against Indigenous women without parallel investment in community-based violence prevention programs.

Core sustainable funding for Indigenous women's organizations has been recognized by the National Inquiry and the CEDAW Committee as critical to upholding Indigenous women's rights and ensuring our safety.<sup>35</sup> Yet, **Indigenous women's organizations and other Indigenous organizations working to improve Indigenous women's safety continue to operate with insufficient funding** and must continually compete against one another for short-term project-based funding. Indigenous women's lives are not projects, and we cannot create systemic change through project-based funding.

#### ONWA's Recommendations:

- 3.1 Provide core, sustainable funding to Indigenous women's organizations to design and implement culturally grounded responses to violence that improve Indigenous women's safety and promote family and community healing; and implement funding models that direct resources towards organizations serving those who are disproportionately targeted for gender-based violence.
- 3.2 Directly involve Indigenous women and our organizations in all stages of the resource development process, including project oversight, to ensure Indigenous women's safety is centred throughout; and invest in violence prevention programs in communities to address the risks to Indigenous women's safety associated with these projects.

## 4. The Indian Act (Articles 2, 3, 26, and 27)

Status of Committee Recommendation (CCPR/C/CAN/CO/6, para. 17):<sup>36</sup> **Not implemented**

In response to litigation brought by Indigenous women and their descendants, Canada has taken some incremental action towards addressing the discriminatory provisions in the *Indian Act* with respect to eligibility for registered Indian status. However, **Canada has failed to fully implement the 2016 recommendation from this Committee (CCPR/CAN/CO/6, para. 17) to remove all remaining discriminatory effects of the Act.** This recommendation was recently repeated by the CEDAW Committee

<sup>34</sup> Department of Finance Canada. (2025). *Budget 2025: A Stronger Canadian Economy*. Government of Canada. <https://budget.canada.ca/2025/report-rapport/pdf/budget-2025.pdf>

<sup>35</sup> Call for Justice 1.8 from the Final Report of the National Inquiry into MMIWG calls on all governments to provide core and sustainable funding to Indigenous women's organizations. In the CEDAW Committee's Concluding Observations on Canada's tenth periodic report (2024), the Committee recommended that funding opportunities for Indigenous women's organizations be aligned with Call for Justice 1.8. (CEDAW/C/CAN/CO/10).

<sup>36</sup> **The State party should speed up the application of the 2011 Gender Equity in the Indian Registration Act and remove all remaining discriminatory effects of the Indian Act that affect Indigenous women and their descendants, so that they enjoy all rights on an equal footing with men.**

following its review of Canada's tenth periodic report in 2024 (CEDAW/C/CAN/CO/10, para. 32). Instead, Canada's ongoing piecemeal and litigation-driven approach to legislative changes continues to result in residual inequities that perpetuate discrimination and negatively impact the rights of First Nations women and their descendants to their identity, their cultures, their lands, and their community as well as their access to services.

## Seventh Periodic Report: Canada's Response and the Reality for Indigenous Women

In responding to Issue 25, Canada admits to the slow application of equality for First Nations women by stating its commitment to taking "incremental steps" to eliminating discrimination (CCPR/C/CAN/7, para. 175). The most recent piece of proposed legislation, Bill S-2 (formerly C-38), *An Act to amend the Indian Act (new entitlement provisions)* – again, introduced in response to a class-action ruling that found parts of the *Indian Act* infringe on equality rights under the *Canadian Charter of Rights and Freedoms*<sup>37</sup> – continues this incremental approach by failing to fully remedy discriminatory provisions within the Act.

Outstanding issues such as the second-generation cut-off, the 1985 cut-off, the restoration of natal band membership to First Nations women, and legal bars to compensation have not been addressed by Bill S-2. **Incremental elimination of discrimination and human rights violations is unacceptable.** We refer the Committee to Dr Pamela Palmater's assessment that "this form of incremental equality is not equality at all, but is instead a targeted, deliberate denial of equality rights."<sup>38</sup>

**Further consultation on these issues is not required**, as solutions have been repeatedly recommended to the federal government over the last 40 years by First Nations leadership, First Nations women and their descendants, parliamentary committees, and human rights treaty bodies following extensive engagement with rights-holders.<sup>39</sup> Most recently, the Standing Senate Committee on Indigenous Peoples proposed a number of amendments to Bill S-2 to fully resolve these issues, following public consultation.<sup>40</sup> It should be noted that the government minister responsible for administering the *Indian Act* appeared before the Senate Committee and argued against these amendments.<sup>41</sup> The Committee's amendments to remove the second generation cut-off were supported by the Senate of Canada on December 5, 2025, and the amended bill will now return to the House of Commons for consideration. Yet, Canada maintains that additional consultation is necessary. The Senate Committee has been clear: history has demonstrated that

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<sup>37</sup> *Nicholas v Attorney General (Canada)*, 2025 BCSC 1596.

<sup>38</sup> Palmater, P. (2025). *Submission to the Standing Senate Committee on Indigenous Peoples (APPA) Re: Bill S-2 An Act to amend the Indian Act (new registration entitlements)*, p. 18. [https://sencanada.ca/Content/Sen/Committee/451/APPA/briefs/Brief\\_PamelaPalmater\\_e.pdf](https://sencanada.ca/Content/Sen/Committee/451/APPA/briefs/Brief_PamelaPalmater_e.pdf)

<sup>39</sup> For example: the CEDAW Committee's Concluding Observations on Canada's tenth periodic report in 2024; the report from the Senate Standing Committee on Indigenous Peoples, *Make it Stop: Ending the remaining discrimination in Indian Registration*, in 2022; and the final report from Claudette Dumont-Smith, Minister's Special Representative, on the collaborative process on Indian registration, band membership and First Nation citizenship in 2019.

<sup>40</sup> Canada. Parliament. Senate. Standing Committee on Indigenous Peoples. (2025, Nov. 25). *Bill S-2, An Act to amend the Indian Act (new registration entitlements): Report of the Committee*. 45<sup>th</sup> Parliament, 1<sup>st</sup> Session. Report 1. <https://sencanada.ca/en/committees/APPA/Report/147289/45-1>

<sup>41</sup> Pugliese, K. (2025, Nov. 7). Mandy Gull-Masty calls Senate's push to end the second-generation cut-off 'racism'. *APTN News*. <https://www.aptnnews.ca/national-news/mandy-gull-masty-calls-senates-push-to-end-the-second-generation-cut-off-racism/>

the government of Canada uses consultation to perpetuate discrimination and only makes incremental fixes when compelled by the courts.<sup>42</sup>

First Nations women continue to be impacted by the following discriminatory effects of the *Indian Act*:

### **Second-Generation Cut Off, Two-Parent Rule and 1985 Cut-Off**

The second-generation cut-off occurs when, after two consecutive generations of parenting with a person not entitled to Indian status, the third generation is no longer entitled to status. If an individual has one grandparent and one parent who are not entitled to status, that individual will not be entitled to registered status under the *Indian Act*.

The second-generation cut-off was enacted through Bill C-31 in 1985, which created a new and complex "two-tier" system of status by introducing two registration categories through sections 6(1) and 6(2). A person may be registered under section 6(1) of the *Indian Act* if both their parents are registered/entitled to be registered under the *Indian Act* (i.e. two-parent rule). If only one parent is registered/entitled to be registered, a person will be registered for a reduced form of status under section 6(2). Persons registered under section 6(2) cannot confer their status onto their children if they have a child with a person who is not registered or entitled to be registered under the *Indian Act*.

**These provisions constitute a form of forced assimilation that will lead to a decline in the number of status Indians, resulting in the loss of reserve lands, benefits, programs, and services attached to status.** In its current iteration, the *Indian Act* remains a legislated form of cultural genocide. While Canada has not publicly stated its policy intent, Canada has acknowledged that legislated barriers to transmitting status across generations will result in the eventual disappearance of status Indians altogether.<sup>43</sup> Some First Nations will see the elimination of persons eligible for status in the next generation, while most will feel this impact within the next four generations.<sup>44</sup>

**The two-parent rule and second-generation cut-off also carries forward the sex discrimination of the past and perpetuates the differential treatment of descendants of First Nations women in their ability to transmit status to their children in comparison to descendants of men.** Prior to 1985, First Nation women with status who married non-status men lost their own status. When these women regained their status under amendments to the Act through Bill C-31 in 1985, their husbands were not granted status, and they became "one parent" status families. As a result, their descendants gained the reduced form of status under section 6(2), which meant if they had children with a non-status individual, they could not confer status to their own children. In contrast, prior to 1985, First Nations men with status who married non-status women conferred their status to their wives, and they became "two parent" status families. As a result, their descendants gained section 6(1) status under the new tiered system, which meant if they had children with a non-status individual, their children would be granted section 6(2) status.

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<sup>42</sup> Pugliese, K. (2025, Nov. 7).

<sup>43</sup> Indigenous Services Canada. (2025). *Rights-Holders Information Kit*. Government of Canada. <https://www.sac-isc.gc.ca/eng/1710424351084/1710424389393>

<sup>44</sup> Crown-Indigenous Relations and Northern Affairs Canada. (2019). *Collaborative Process on Indian Registration, Band Membership and First Nation Citizenship: Report to Parliament June 2019*. Annex A. Government of Canada. <https://www.rcaanc-cirnac.gc.ca/eng/1560878580290/1568897675238>.

Further discrimination was introduced in 2017 (Bill S-3) by implementing a new 1985 cut-off, which operates in conjunction with the second generation cut-off.<sup>45</sup> Whether an individual is born or married before or after the effective date of Bill C-31 (April 17, 1985) can impact registration of individuals, in some families leading siblings to be registered under different categories or some to be denied status entirely, depending on their birth date and parents' status. The CEDAW Committee has found that this 1985 cut-off "affects in a discriminatory manner the descendants of Indigenous women who had been disintegrated in comparison with Indigenous men" and is "discriminatory to people whose parents from an Indigenous maternal lineage were married after 1985" (CEDAW/C/81/D/68/2014, para. 18.3).

The continued presence of the second-generation cut-off in the *Indian Act* has ensured that the disadvantage originating with a grandmother's loss of status for marrying a non-status male has been continued down through the generations, to the present day.<sup>46</sup> Notwithstanding corrective measures for the affected women and their descendants which appear in *Bills C-31, C-3, and S-3*, the second generation cut-off affects more severely those descended down the matriarchal line.<sup>47</sup> The children of families led by status women are likely to become 6(2)s (and unable to confer status to their own children) before the children of families led by status men.

**The second-generation cut-off also constitutes a form of race-based discrimination**, as the requirement for two parents to pass on status is unique to First Nations. Under Canada's *Citizenship Act*, only one parent is required to transmit citizenship to a child. In the case of Canadian citizenship, equality between sexes was achieved not by imposing a two-parent rule but by entitling women and men to equally transmit citizenship status to their child. Canada has also removed the second-generation cut-off rule for Canadians born abroad following the Ontario Superior Court's ruling that the cut-off is unconstitutional.<sup>48</sup>

### **Barriers to Restoring the Rights of First Nations Women to their Identities and their Communities**

In its history of consultations on the elimination of sex discrimination from the *Indian Act*, Canada has repeatedly positioned the right of First Nations to self-determine their membership against women's right to equality. First Nations women who have been expelled from their communities continue to be

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<sup>45</sup> Under Bill S-3, First Nations women who intermarried before Bill C-31 was enacted in 1985 and their descendants can have their status reinstated to a 6(1) category of status. If descendants were born after April 16, 1985, however, they are subject to the "two parent rule" introduced by Bill C-31 and therefore entitled to 6(2) category status. While this improves status for many, those born after April 16, 1985, remain subject to the "second-generation cut-off".

<sup>46</sup> Ebert, M. (2025). *Sex Discrimination in the Indian Act: Enacting It, Removing It and Making Repairs to Achieve Equality*. Prepared for the Indian Act Sex Discrimination Working Group. [https://sencanada.ca/Content/Sen/Committee/451/APPA/briefs/SexDiscriminationWorkingGroup\\_e.pdf](https://sencanada.ca/Content/Sen/Committee/451/APPA/briefs/SexDiscriminationWorkingGroup_e.pdf)

<sup>47</sup> Ebert, M. (2025).

<sup>48</sup> Bjorkquist et al. v. Attorney General of Canada, 2023 ONSC 7152. Under the second-generation cut-off rule found in Canada's *Citizenship Act*, children born abroad were denied automatic Canadian citizenship if their Canadian parents were also born abroad. In December 2021, a Constitutional challenge was brought against the federal government regarding this provision on grounds that the second-generation citizenship cut-off discriminated on the basis of nation of origin, effectively creating a second class of citizens who are denied an automatic right to return to Canada with their foreign-born children.



presented as a threat to the cultural integrity of the communities, and to their financial viability.<sup>49</sup> **The rights of First Nations women to equality and non-discrimination and the collective rights of First Nations to self-determination and self governance are not mutually exclusive.**

The *Indian Act* has influenced the thinking of the people and leaders in our Nations, some of whom consider that those of us who have been involuntarily displaced from our communities no longer belong. The 1996 Royal Commission on Aboriginal Peoples clearly identified the need for Indigenous Peoples to heal from the consequences of “domination, displacement and assimilation” before self government can succeed.<sup>50</sup> Our Nations must be able to exercise jurisdiction and self-govern, including determining citizenship in a way that respects First Nations women’s equality and rights. Restoring First Nations women and their descendants to their rightful communities, if and when they so choose, and investing in community healing is instrumental to rebuilding our Nations.

First, this requires a provision in the *Indian Act* to clarify that women who were transferred automatically to their husband’s bands have an unrestricted right to return to their natal band when and if they choose.

Second, First Nations must simultaneously be financially supported to welcome home those who have been discriminatorily displaced from their community because of the assimilationist provisions in the *Indian Act*. First Nations are already chronically underfunded, and many are unable to support current membership levels. Without investments, First Nations will bear the financial costs of remedying government-imposed, legislated discrimination against their members. Sufficient financial support for First Nations is central to restoring the rights of First Nations women and their descendants to their identity, their culture, their lands and their community.

Third, the federal government must allocate sufficient resources to facilitating new registrations under the *Indian Act*. Canada’s Auditor General found that current applicants are waiting an average of nearly 16 months for a decision, with a backlog of nearly 12,000 applications.<sup>51</sup> These delays hinder access to essential services like housing and health benefits. Without adequate resources to facilitate new registrations, First Nations women and their descendants who are entitled to Indian status will continue to suffer administrative barriers and delays to accessing their rights.

### **Legal Bars to Compensation**

The *Indian Act* and its successive amendments have historically included and continue to contain legal bars that prevent or limit compensation for First Nations women and their descendants harmed by sex-based discrimination. **This contravenes our rights under Article 2 of the Covenant**, which requires States

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<sup>49</sup> Canada argued in 2017 at the time of Bill S-3 that removing the sex discrimination from the *Indian Act* “could put enormous strain on First Nations communities, which could suddenly experience an influx of new members.” Galloway, G. (2017, June 17). Bennett urges MPs to kill Senate amendment that aims to take sexism out of the *Indian Act*. *The Globe and Mail*. <https://www.theglobeandmail.com/news/politics/bennett-urges-mps-to-kill-senate-amendment-that-would-take-sexism-out-of-the-indian-act/article35256574/>

<sup>50</sup> Dussault, R. and Erasmus, G. (1996). *Highlights from the Report of the Royal Commission on Aboriginal Peoples*. Chapter 2. <https://www.rcaanc-cirnac.gc.ca/eng/1100100014597/1572547985018#chp2>

<sup>51</sup> Office of the Auditor General of Canada. (2025). *Report 1— Registration Under the Indian Act—Indigenous Services Canada*. [https://www.oag-bvg.gc.ca/internet/docs/parl\\_oag\\_202506\\_01\\_e.pdf](https://www.oag-bvg.gc.ca/internet/docs/parl_oag_202506_01_e.pdf)

Parties make reparation to individuals whose Covenant rights have been violated, and which, according to the Committee, generally entails appropriate compensation (CCPR/C/21/Rev.1/Add.13, para. 16).<sup>52</sup>

**The bar to compensation itself also constitutes sex-based discrimination.** Other colonial laws, policies, practices that have not specifically targeted women have not been subject to similar bars.<sup>53</sup>

#### ONWA's Recommendations:

4.1 Immediately and fully eliminate all remaining sex discrimination within the *Indian Act*. Canada must:

- a) Remove the second generation cut-off, the 1985 cut-off, and the two parent-rule, and implement a one parent-rule for transmission of status.
- b) Specify that women who have lost band membership because of discrimination in the Act have an unrestricted right to membership with their natal band when and if they choose.
- c) Remove bars to compensation for First Nations women and their descendants for the harms caused by sex discrimination in the *Indian Act*.
- d) Provide sufficient financial resources to First Nations to support increased membership resulting from the removal of discriminatory provisions of the *Indian Act*, and allocate adequate resources to ensure the timely processing of registration applications.

## 5. Overrepresentation of Indigenous Women in Canada's Criminal Justice System (Articles 2, 14, 26, 27)

Status of Committee Recommendation (CCPR/C/CAN/CO/6, para. 18):<sup>54</sup> **Not implemented**

Canada has failed to address discrimination against Indigenous women in all aspects of the criminal justice system, which continues to manifest in our over-policing and under-protection (i.e. lack of police protection), our disproportionate representation as accused in criminal courts, and our over-incarceration.<sup>55</sup> Indigenous women are being removed from their children and families, their culture, their

<sup>52</sup> Human Rights Committee (CCPR), General Comment No. 31(80): The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 29 March 2004, CCPR/C/21/Rev.1/Add.13.

<sup>53</sup> For example, financial compensation has been offered as part of the following reparations: Inuit compensation for forced relocations - \$50M; Inuit compensation for dog slaughter - \$20M; Indian residential school settlement - \$3.23B; Indian day school settlement - \$1.27B; Sixties Scoop settlement - \$750M; First Nations child welfare settlement - \$40B; First Nations drinking water settlement - \$8B.

<sup>54</sup> **The State party should ensure the effectiveness of measures taken to prevent the excessive use of incarceration of indigenous peoples and resort, wherever possible, to alternatives to detention. It should enhance its programmes enabling indigenous convicted offenders to serve their sentences in their communities. The State party should further strengthen its efforts to promote and facilitate access to justice at all levels by indigenous peoples.**

<sup>55</sup> Zinger, I. (2025). *Office of the Correctional Investigator Annual Report 2024-25*. Government of Canada. <https://oci-bec.gc.ca/sites/default/files/2025-12/Annual%20Report%20EN%202025.pdf>

communities, and their lands at alarming rates and incarcerated under conditions that further violate their civil and political rights.

In the ten years since Canada received the recommendation from this Committee to address the “excessive use of incarceration” of Indigenous people (CCPR/C/CAN/CO/6, para. 18):

**The over-incarceration of Indigenous women has continued to increase, even as the overall incarceration rate for Canadians declines.<sup>56</sup>**

- Indigenous women are the fastest-growing population in Canada’s prison system and now account for 50% of the adult female prison population, despite representing less than 5% of the Canadian female population.<sup>57</sup>
- Female Indigenous youth account for 55% of female youth custody admissions despite representing only 8% of the Canadian youth population.<sup>58</sup>
- In 2023/2024, Indigenous women were incarcerated at a rate more than 18 times higher than non-Indigenous women.<sup>59</sup> Overall, 1% of the Indigenous female adult population was incarcerated at some point during the 2023/24 year, compared to 0.1% of the non-Indigenous female adult population.<sup>60</sup>
- Incarceration rates for Indigenous women increased by 22% from 2019/2020 to 2023/2024, while declining by 11% for non-Indigenous women.<sup>61</sup>

**Indigenous women continue to experience racism, sexism and discrimination by police.**

- A 2021 Parliamentary Committee acknowledged the “pervasive nature of systemic racism in policing in Canada” and the effects on Indigenous women and girls, which include excessive

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<sup>56</sup> Zinger, I. (2023). *Ten Years Since Spirit Matters: A Roadmap for the Reform of Indigenous Corrections in Canada*. Office of the Correctional Investigator of Canada. Government of Canada. <https://oci-bec.gc.ca/sites/default/files/2023-10/Spirit%20Matters%20EN%20%C3%94%C3%87%C3%B4%20Web.pdf>

<sup>57</sup> Statistics Canada. (2025). [Table 35-10-0226-01 Average counts of adults in federal and provincial custody by Indigenous identity](#).

<sup>58</sup> Department of Justice Canada. (2024). *The Overrepresentation of Indigenous People in the Criminal Justice System*. Government of Canada. <https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2024/nov.html>. Note, youth correctional services in Canada are delivered by the provinces and territories.

<sup>59</sup> Statistics Canada. (2026). [Table 35-10-0229-01 Overrepresentation Index of Indigenous adults, in comparison to the non-Indigenous adult population in federal and provincial custody](#). The Overrepresentation Index calculates the relative difference between the rates of incarceration of various populations, such as Indigenous and non-Indigenous adults, by controlling for age and gender differences between populations.

<sup>60</sup> Statistics Canada. (2026). [Table 35-10-0226-03 Custodial involvement rate of adults in federal and provincial custody by Indigenous identity](#). The Custodial involvement rate is the measure of the proportion of a specific population experiencing custody over a reference period. The measure identifies the number of persons spending at least one day in custody during the reference period for a defined population (e.g., Indigenous), then calculates the percentage of the population experiencing incarceration.

<sup>61</sup> Statistics Canada. (2026). Overrepresentation of Indigenous and Black adults in provincial and federal custody. *The Daily*. <https://www150.statcan.gc.ca/n1/daily-quotidien/260114/dq260114b-eng.htm>. The incarceration rate measures the proportion of a population in custody on an average day of the year. It is calculated by taking the average daily count of the correctional population, dividing it by the general population estimate on July 1 of that same year, then multiplying by 10,000.

use of force and assault, sexual abuse, failure to assist victims or inaction in cases of sexual violence, and racial profiling leading to discriminatory arrests.<sup>62</sup>

- A recent study found that Indigenous people in Canada were more than twice as likely to have been arrested than people who identified as “non-Indigenous White”, and Indigenous people who reported three or more experiences of structural violence<sup>63</sup> were nearly five times more likely to report being arrested.<sup>64</sup>

**Indigenous women continue to be disproportionately represented as accused in criminal courts and experience disproportionate negative outcomes.**

- Indigenous adults and youth accused of a crime are more likely to be found guilty, less likely to be acquitted, and less likely to encounter a withdrawal, dismissal or discharge.<sup>65</sup>
- Indigenous accused are also denied bail significantly more often and therefore held in remand (adults) or pre-trial detention (youth) more frequently and for longer than non-Indigenous accused.<sup>66</sup>
- Once found guilty, Indigenous people are more likely to be sentenced to custody, and less likely to receive probation or a fine. Indigenous people are also more likely to serve more of their sentence before being granted parole than non-Indigenous offenders.<sup>67</sup>

This situation is untenable. Successive recommendations from UN treaty bodies to address the overrepresentation of Indigenous people and improve our treatment in Canada’s criminal justice system remain unimplemented (CCPR/C/CAN/CO/5; CCPR/C/CAN/CO/6; CEDAW/C/CAN/CO/10; CAT/C/CAN/CO/7). Year after year, similar recommendations from Canada’s Correctional Investigator are dismissed and ignored.<sup>68</sup> It should be noted that the current incumbent, Dr. Ivan Zinger, resigned from this role two years before his term ends, citing Canada’s reluctance to address systemic human rights issues, including the overrepresentation of Indigenous people in the federal prison system, as reason for his early departure.<sup>69</sup>

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<sup>62</sup> Canada. Parliament. House of Commons. Standing Committee on Public Safety and National Security. (2021). *Systemic Racism in Policing*. 43<sup>rd</sup> Parliament, 1<sup>st</sup> Session. Report 6. p. 1 <https://www.ourcommons.ca/Content/Committee/432/SECU/Reports/RP11434998/secup06/secup06-e.pdf>

<sup>63</sup> Indicators of structural violence included (1) involvement in the child welfare system, (2) experiences of homelessness, (3) lack of opportunities for education, (4) inaccessibility to public transportation; experiences of discrimination in (5) banking, (6) the labor market, (7–8) the criminal legal system (by proxy discrimination by police and criminal courts), (9) immigration and customs, and (10) in other situations.

<sup>64</sup> Alberton, A.M. et al. (2025). Individual and community predictors of arrests in Canada: Evidence of over-policing of Indigenous peoples and communities *Journal of Ethnic & Cultural Diversity in Social Work*, 34(1), 5-17. <https://doi.org/10.1080/15313204.2023.2211785>

<sup>65</sup> Department of Justice Canada. (2024).

<sup>66</sup> Khorrami, M. and Paquin-Marseille, L. (2025). Disparities in decision and sentencing outcomes between Indigenous accused and White accused in adult criminal court, 2016/2017 to 2020/2021. *Juristat*. Statistics Canada. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2025001/article/00001-eng.htm>; and Robinson, P. et al. (2023). Over-representation of Indigenous persons in adult provincial custody, 2019/2020 and 2020/2021. *Juristat*. Statistics Canada. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2023001/article/00004-eng.htm>

<sup>67</sup> Department of Justice Canada. (2024).

<sup>68</sup> Zinger, I. (2025).

<sup>69</sup> Needham, F. (2025, Nov. 12). Prison watchdog cites lack of action on Indigenous over representation in prison one of reasons for early departure. *APTN News*. <https://www.aptnnews.ca/national-news/prison-watchdog-cites-lack-of-action-on-indigenous-over-representation-in-prison-one-of-reasons-for-early-departure/>

Reforms to Canada's prison system are insufficient to address this crisis. Decarceration strategies must address the underlying inequalities and ongoing legacies of colonization that perpetuate Indigenous women's interaction with the criminal justice system – including violence, intergenerational trauma, and poverty.

## Seventh Periodic Report: Canada's Response and the Reality for Indigenous Women

In responding to Issue 5 and the Committee's request for an update on progress to address the overrepresentation of Indigenous people in the criminal justice system (CCPR/C/CAN/QPR/7, para. 5) Canada rightly notes that the *Criminal Code* – specifically Section 718.2(e) – directs courts to consider sanctions other than imprisonment where appropriate, with particular attention to the circumstances of Indigenous offenders (CCPR/C/CAN/7, para. 87). However, this provision has had no impact on overrepresentation of Indigenous women in Canada's prison system, which has only increased since Section 718.2(e) was introduced in 1996. Considerations of social history factors can also be used against Indigenous women in the context of risk assessment decisions relating to bail, sentencing, placement and planning, security classification, and parole. **Indigenous women's experiences of trauma, mental health and addictions, homelessness, poverty, disconnection from community and culture, and other forms of harm arising from Canada's colonial past and present are used as evidence of risk.** This contributes to Indigenous women's being disproportionately represented in remand, custodial sentences, and higher security settings while making them ineligible for community-based alternatives to incarceration.<sup>70</sup>

Additionally, Canada's mandatory minimum sentencing laws limit the discretion of judiciaries, restricting their ability to consider the ways in which Indigenous women are criminalized for the social and systemic factors they endure, and to utilize alternatives to incarceration or tailor sentences to reflect individual circumstances. As noted in its response (CCPR/C/CAN/7, para. 35), Canada has amended the *Criminal Code* and the *Controlled Drugs and Substances Act* to repeal the mandatory minimum penalties in relation to drug possession, which will undoubtedly have a positive impact on Indigenous women charged with this crime. However, **mandatory minimum penalties remain in place for violent crimes, and Indigenous women are more likely to be charged with, and imprisoned for, violent crimes than non-Indigenous women.**<sup>71</sup> For example, in Canada, all murder convictions (first or second degree) carry a mandatory life sentence, and Indigenous women are disproportionately accused of homicide, at a rate 26 times higher than that of non-Indigenous women.<sup>72</sup>

Indigenous women's over-incarceration intersects with, and must be understood in the context of the alarming rates of gender-based violence perpetrated against them. Canada's National Inquiry into

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<sup>70</sup> Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2018). *A Call to Action: Reconciliation with Indigenous Women in the Federal Justice and Correctional Systems*. 42<sup>nd</sup> Parliament, 1<sup>st</sup> Session. Report 13. <https://www.ourcommons.ca/Content/Committee/421/FEWO/Reports/RP9991306/feworp13/feworp13-e.pdf>; and Webb, D. (2024) *BARRED: Over-incarceration of Indigenous people in Canada's criminal legal system, the health implications and opportunities for decarceration*. National Collaborating Centre on Indigenous Health. [https://www.nccih.ca/495/Barred %E2%80%93 Over-incarceration of Indigenous people in Canada%E2%80%93 criminal legal system, the health impli...nccih?id=10453](https://www.nccih.ca/495/Barred%E2%80%93Over-incarceration%20of%20Indigenous%20people%20in%20Canada%E2%80%93criminal%20legal%20system%20the%20health%20implications%20and%20opportunities%20for%20decarceration)

<sup>71</sup> Mahony, T. et al. (2017). *Women and the Criminal Justice System*. Statistics Canada. <https://www150.statcan.gc.ca/n1/en/pub/89-503-x/2015001/article/14785-eng.pdf?st=OLnE-kBG>

<sup>72</sup> Department of Justice Canada. (2024).



MMIWG found a clear connection between the disproportionate rates of violence that Indigenous women and girls experience and their overincarceration: **when Indigenous women are incarcerated because of violent crime, it is most often a response to the violence they experience.**<sup>73</sup> The use of violence was a means to survive or resist ongoing victimization. Other studies indicate that Indigenous women tend to be criminalized in three general contexts: “offences against an abuser, offences coerced by an abuser, and poverty-related offences related to motherhood and obtaining the necessities of life.”<sup>74</sup> In other words, the Canadian justice system criminalizes acts that are a direct result of, and response to, human rights violations and then restricts the ability of the courts to consider these violations as mitigating factors in their sentencing.

Canada’s report also references 2019 bail reforms as a measure introduced to address the disproportionate impacts that the bail system has had on Indigenous populations (CCPR/C/CAN/7, para. 36). However, in the years following these reforms, **bail continues be used less frequently than remand for Indigenous persons, and incarceration rates for Indigenous women have increased.**<sup>75, 76</sup> At the end of 2019, when the reforms were introduced, Indigenous women accounted for 42% of the federally incarcerated population; by 2022, Indigenous women accounted for 50% of the female prison population,<sup>77</sup> while their rate of incarceration increased by 22% from 2019/2020 to 2023/2024.<sup>78</sup>

Furthermore, in October 2025, **Canada introduced legislation proposing stricter sentencing and bail laws for violent and repeat offending, which have the potential to exacerbate the overrepresentation of Indigenous women in remand.**<sup>79</sup> This is not because of a risk to public safety but because of an inability to meet bail conditions due to socioeconomic factors such as poverty, homelessness, substance use and mental health issues — situations often rooted in colonial policies and Canada’s failure to protect Indigenous women’s social, economic and cultural rights.<sup>80</sup>

Canada cites the expansion of the Community Reintegration Fund (CRF) in 2017 as another measure to address the overrepresentation of Indigenous Peoples in Canada’s federal correctional institutions. Canada claims that “the CRF supports Indigenous communities’ capacity to rehabilitate and reintegrate Indigenous offenders with culturally responsive interventions and services” (CCPR/C/CAN/7, para. 37). However, Canada’s Correctional Investigator found that **the overwhelming majority of Indigenous people**

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<sup>73</sup> National Inquiry into MMIWG. (2019). p 636.

<sup>74</sup> Charlotte Baigent, C. (2020). Why Gladue Needs an Intersectional Lens: The Silencing of Sex in Indigenous Women’s Sentencing Decisions. *Canadian Journal of Women and the Law*, 32(1), 19-23.

<sup>75</sup> Taylor, P. et al. (2023).

<sup>76</sup> Statistics Canada. (2026). Overrepresentation of Indigenous and Black adults in provincial and federal custody.

<sup>77</sup> Department of Justice Canada. (2024).

<sup>78</sup> Statistics Canada. (2026). Overrepresentation of Indigenous and Black adults in provincial and federal custody.

<sup>79</sup> Bill C-14, the *Bail and Sentencing Reform Act* (2025). See: Department of Justice Canada (2025). *Bail and Sentencing Reform Act, Background: Proposed legislation to make bail laws stricter and toughen sentencing laws*. Government of Canada. <https://www.justice.gc.ca/eng/csj-sjc/pl/c14/index.html>.

<sup>80</sup> Blackburn, M. (2025, Oct. 31). ‘We’re all concerned’: Senator says Liberals’ bail and sentencing reform bill ignores bigger issues. *APTN News*. <https://www.aptnnews.ca/infocus/bail-sentencing-reform-liberals-indigenous-offenders-charter-of-rights/>; and Assembly of First Nations (AFN). (2025, Oct. 24) *AFN National Chief Says Proposed Bail Reforms Will Deepen Justice Crisis Facing First Nations* [Press Release]. <https://afn.ca/all-news/press-releases/afn-national-chief-says-proposed-bail-reforms-will-deepen-justice-crisis-facing-first-nations/>

**in custody do not benefit from early or timely conditional release and reintegration**, contributing to disproportionately high rates of reoffending and returns to prison.<sup>81</sup>

In March 2025, Canada released its Indigenous Justice Strategy (CCPR/C/CAN/7, para. 39), intended to address systemic discrimination and the overrepresentation of Indigenous people in the criminal justice system.<sup>82</sup> However, the **Indigenous Justice Strategy fails to acknowledge the disproportionate involvement of Indigenous women in all phases of Canada’s colonial justice system and the role of Indigenous women’s organizations in addressing the underlying root causes**, such as intergenerational trauma and violence against Indigenous women. Instead, the Strategy maintains a strict nation-to-nation, government-to-government approach that commits federal departments to working in partnership with First Nation, Métis and Inuit governments and representative organizations on their priorities. Indigenous women and our organizations are not mentioned once in any of the Strategy’s 26 Priority Actions – a further example of our ongoing exclusion from decisions and policies that impact our lives. Funding for Indigenous women's organizations to develop and lead culturally grounded restorative justice programs, healing programs, safe spaces and anti-violence programs is a critical part of achieving sustainable change in the justice sector.

#### ONWA’s Recommendations

- 5.1 Provide sufficient, sustainable funding for Indigenous women’s organizations to address the root causes of Indigenous women’s involvement in Canada’s criminal justice system by improving Indigenous women’s safety, healing, and economic security.
- 5.2 Ensure the full participation of Indigenous women and our organizations in the implementation of the Indigenous Justice Strategy and the design and delivery of other decarceration strategies, policies and initiatives.

## 6. Conditions and Treatment of Indigenous Women in Custody (Articles 2, 6, 7, 10, 23, 26, 27)

Status of Committee Recommendation (CCPR/C/CAN/CO/6, para. 14):<sup>83</sup> **Not implemented**

With respect to Indigenous women specifically, Canada has not addressed the Committee’s previous recommendation to increase the use of alternative means of detention, limit the use of administrative segregation, particularly for those with serious mental illness, and improve access to treatment for mental

<sup>81</sup> Zinger, I. (2023). p. 27.

<sup>82</sup> Department of Justice Canada. (2025). *Indigenous Justice Strategy*. Government of Canada. [https://www.justice.gc.ca/eng/csj-sjc/ijr-dja/ijr-sja/tijs-lsja/pdf/IJS\\_EN.pdf](https://www.justice.gc.ca/eng/csj-sjc/ijr-dja/ijr-sja/tijs-lsja/pdf/IJS_EN.pdf)

<sup>83</sup> **The State party should take appropriate measures to effectively reduce overcrowding in detention facilities, including by increasing the use of alternative means of detention. It should also effectively limit the use of administrative or disciplinary segregation as a measure of last resort for as short a time as possible and avoid such confinement for inmates with serious mental illness. The State party should effectively improve access to, and the capacity of, treatment centres for prisoners with mental health issues at all levels.**

health issues (CCPR/C/CAN/CO/6, para. 15). Discrimination and bias remain a significant barrier to humane treatment and proper care for Indigenous women in custody.

First, **Indigenous women continue to be classified and placed in higher security levels** compared to other female prisoners. This is a result of racism<sup>84</sup> as well as assessment tools that fail to consider the ongoing impacts of colonization and classify our trauma experiences and needs as risks.<sup>85,86</sup> Concerningly, 70% of federally incarcerated Indigenous women in Canada were classified as maximum-security placements between April 2018 to December 2021.<sup>87</sup> **This leads to Indigenous women serving more of their sentences in custody and limits their access to, or excludes them entirely from, culturally grounded alternatives to detention**, such as healing lodges, which are generally available only to minimum- or medium-security inmates.<sup>88</sup> A maximum-security classification also renders a woman **ineligible for mother-child programs**, meaning that Indigenous women are disproportionately separated from their children, disrupting their right to a family as affirmed under Article 23.<sup>89</sup>

Second, **Indigenous women continue to be disproportionately placed in solitary confinement – formally called Structured Intervention Units (SIUs) – and for longer periods** than non-Indigenous women.<sup>90</sup> In 2022, the SIU Implementation Advisory Panel reported that Indigenous women accounted for 76% of the person-stays in SIUs experienced by women since the SIUs opened in November 2019.<sup>91</sup> Despite upwards of 100% of Indigenous women in prison meeting the criteria for a current mental disorder, and despite decades of research demonstrating the link between isolation in prison and deteriorating mental health, this punitive practice continues to be disproportionately used for Indigenous women.<sup>92</sup>

Third, **the mental health needs of Indigenous women in Canadian prisons are not being met**, infringing on their right to life. Indigenous women in Canadian prisons face disproportionately high rates of mental health issues which are exacerbated by incarceration, systemic discrimination, and lack of culturally relevant care. Under Article 6, States have a special duty to prevent suicide for individuals in vulnerable situations, including individuals deprived of their liberty (General Comment No. 36, CCPR/C/GC/36, para. 9). Canada is failing to uphold this right for Indigenous women, and Indigenous people in general, who experience disproportionately higher rates of suicide, suicide attempts, and self injury within federal

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<sup>84</sup> For example, Indigenous prisoners are more likely to be labelled by prison staff as affiliated with a Security Threat Group or gang within the prison. See: Zinger, I. (2022). *Office of the Correctional Investigator Annual Report 2021-2022*. Government of Canada. <https://oci-bec.gc.ca/sites/default/files/2023-06/annrpt20212022-eng.pdf>

<sup>85</sup> Zinger, I. (2025).

<sup>86</sup> Zinger, I. (2023).

<sup>87</sup> Office of the Auditor General of Canada. (2022). *Report 4—Systemic Barriers—Correctional Service Canada*. [https://www.oag-bvg.gc.ca/internet/English/parl\\_oag\\_202205\\_04\\_e\\_44036.html](https://www.oag-bvg.gc.ca/internet/English/parl_oag_202205_04_e_44036.html)

<sup>88</sup> Zinger, I. (2023).

<sup>89</sup> Webb, D. (2024); and Zinger, I. (2022, Nov. 22). *Indigenous Peoples and Federal Corrections: Current and Future Priorities of the Office of the Correctional Investigator* [Briefing to the Standing Senate Committee on Indigenous Peoples]. [https://sencanada.ca/Content/Sen/Committee/441/APPA/briefs/2022-11-3\\_APPA\\_Brief\\_IvanZinger\\_e.pdf](https://sencanada.ca/Content/Sen/Committee/441/APPA/briefs/2022-11-3_APPA_Brief_IvanZinger_e.pdf)

<sup>90</sup> Zinger, I. (2022, Nov. 22).

<sup>91</sup> Sapers, H. (2022). *Structured Intervention Unit Implementation Advisory Panel 2021/22 Annual Report*. Public Safety Canada. <https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/2022-siu-iap-nnlrpt/index-en.aspx#s92>

<sup>92</sup> Sapers, H. (2023). *Mental Health and the SIUs: An Update for the Structured Intervention Unit Implementation Advisory Panel*. Public Safety Canada. <https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/mntl-hlth-strctrd-ntrvntn-nt-2023/index-en.aspx>

correctional facilities.<sup>93</sup> In 2021-22, the Office of Correctional Investigator (OCI) reported that Indigenous individuals accounted for 5 out of 6 individuals (83%) who committed suicide in Canadian federal prisons, 40% of suicide attempts, and 55% of all reported self-injury incidents.<sup>94</sup>

Finally, **Indigenous women in prison are at increased risk of physical harm** through the use of institutional force compared to non-Indigenous women. On average, 60% of all women involved in use of force incidents by Community Safety Canada (CSC) staff recorded between 2015 and 2020 involved an Indigenous woman, despite Indigenous women accounting for approximately 40% of federally incarcerated women during that period.<sup>95</sup>

## Seventh Periodic Report: Canada's Response and the Reality for Indigenous Women

Responding to Issue 15 (c) and the Committee's request for detailed information regarding access to mental health services in prisons (CCPR/C/CAN.QPR/7, para. 15), Canada claims that CSC "prioritizes the provision of professional, clinically independent, culturally responsive, integrated and coordinate person-centred health care" (CCPR/C/CAN/7, para. 96). Canada provides high level information about the health services that CSC is mandated to provide (paras. 96-97) but fails to respond to the multiple human rights concerns raised by oversight bodies and civil society organizations.

For example, the OCI has raised concerns that **Indigenous individuals are receiving improper diagnosis and substandard care as a result of biases in existing assessments and tools** that screen for mental health needs. According to the OCI, these standardized tools fail to consider the social determinants of health and the root causes of mental health concerns for Indigenous people, often reinforcing stereotypes and blaming individuals for the consequences of colonial policies that have created the context in which mental health care and wellness are negatively affected.<sup>96</sup>

Canada references the CSC's 2020 Anti-Racism Framework as a measure taken to remove systemic barriers and promote an anti-racist, diverse, equitable and inclusive organization (CCPR/C/CAN/7, para. 38). However, the OCI's 2024 investigation into mental health services for federally incarcerated Indigenous people found a "widespread lack of understanding among CSC staff about Indigenous history, culture, and the trauma Indigenous women carry and how these experiences can manifest in a correctional setting."<sup>97</sup> Many CSC staff lack an understanding of how experiences of trauma can influence Indigenous women's behaviour in custody, or how routine correctional practices such as cell searches and lock downs can be triggering. **Trauma-related behaviours such as aggression often result in security-based responses such as the use of force, loss of privileges, or placement in SIUs rather than supportive or therapeutic ones.**<sup>98</sup>

Effective healing and trauma treatment for Indigenous women requires culturally grounded and Indigenous-women-led approaches that honour traditional practices and reflect Indigenous worldviews.

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<sup>93</sup> Department of Justice Canada. (2024).

<sup>94</sup> Zinger, I. (2022, Nov. 22).

<sup>95</sup> Department of Justice Canada. (2024).

<sup>96</sup> Zinger, I. (2025). p. 138.

<sup>97</sup> Zinger, I. (2025). p. 131.

<sup>98</sup> Zinger, I. (2025). p. 111.

However, the recent OCI investigation found **culturally- and trauma-informed mental health services for Indigenous people are severely lacking in federal correctional institutions**, with “little evidence of sustained efforts to promote, support, or accommodate the roles of Elders and Indigenous staff in providing culturally relevant support.” Barriers to holding regular traditional ceremonies and cultural activities are further undermining Indigenous women’s right to access their culture, as affirmed in Article 27.<sup>99</sup> Overall, the Correctional Investigator concludes that “the CSC is fundamentally ill-equipped to provide long-term mental health care to individuals with serious mental illness” and calls for the transfer of care of Indigenous individuals to Indigenous, community-based organizations.<sup>100</sup>

Canada’s response to Issue 15 (b) – the reported ineffectiveness of Structured Intervention Units in addressing the prolonged use of solitary confinement – is similarly inadequate, outlining high level intentions and institutional procedures rather than practice in reality. Importantly, the final report of the independent SIU Implementation Advisory Panel in December 2024 concludes that SIUs have not eliminated the experience of solitary confinement in federal penitentiaries.<sup>101</sup> This means that **Indigenous women, who are disproportionately placed in Structural Intervention Units, are disproportionately experiencing solitary confinement** in violation of their rights under Articles 2 and 10.

Canada states that the median time that inmates were held in SIUs in 2022/23 was 14 days (CCPR/C/CAN/7, para. 94). However, evidence shows that Indigenous individuals stay longer in the SIUs compared to non-Indigenous individuals,<sup>102</sup> and data indicates that from 2019/21 to 2022/23, **63% of Indigenous individuals' stays in the SIUs were for 16 days or more**, exceeding the 15-day “torture” threshold defined by the UN’s Nelson Mandela Rules,<sup>103</sup> compared to 54% of non-Indigenous individuals' stays.<sup>104</sup> The SIU Implementation Panel also found that many individuals in SIUs are not receiving the minimum 4 legislated hours out of cell and that minimal correctional programming is provided, thereby continuing the human rights violations that SIUs were introduced to eliminate.<sup>105</sup>

While Canada notes that the SIUs are subject to external oversight through Independent External Decision Makers (CCPR/C/CAN/7, para. 95), the SIU Implementation Panel found that “the introduction of IEDMs has failed to provide a timely or effective review of SIU operations” and urges CSC to change its operational culture to support a more humane way to fairly and temporarily isolate individual prisoners from the mainstream prison population for short periods of time if it is necessary to do so.<sup>106</sup> It is evident from the twelve reports of the independent SIU Implementation Panel that **SIUs continue to operate in a manner that is inconsistent with Canada’s human rights obligations – a situation that disproportionately**

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<sup>99</sup> Zinger, I. (2025). p. 131.

<sup>100</sup> Zinger, I. (2025). p. 6.

<sup>101</sup> Sapers, H. (2024). *Solitary Confinement and the Structured Intervention Units in Canada’s Penitentiaries: The Final Report of the SIU IAP*. Public Safety Canada. <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2024-siu-iap-sltrty-cnfnmnt/#a8>

<sup>102</sup> Department of Justice Canada. (2024).

<sup>103</sup> See Rule 44 in United Nations General Assembly. (2015). *Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*. (A/RES/70/175). <https://docs.un.org/en/A/RES/70/175>

<sup>104</sup> See Table B in Sapers, H. (2023). *Structured Intervention Units Implementation Advisory Panel Update #3-2023: Structured Intervention Units and Indigenous Prisoners*. Public Safety Canada. <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2023-siu-iap-nnlrpt-pdt/index-en.aspx>

<sup>105</sup> Sapers, H. (2024).

<sup>106</sup> Sapers, H. (2024).



impacts Indigenous women because they are more frequently placed in these units and for longer periods.<sup>107</sup>

### ONWA's Recommendations

- 6.1 Ensure access to Indigenous-led, culturally grounded, community-based restorative justice options as alternatives to incarceration for all Indigenous women, including pre-charge diversion as well as non-custodial sentencing options, and provide sufficient resources to Indigenous organizations and communities to deliver these programs.
- 6.2 Require comprehensive Indigenous cultural competency training for all those working within the criminal justice system, with a specific focus on trauma and the safety and lived experiences of Indigenous women and girls.
- 6.3 Partner with Indigenous women's organizations to redesign new culturally appropriate and gender-specific assessment and classification tools for Indigenous women serving custodial sentences.

## Conclusion

Canada has made little progress on implementing the recommendations in the Committee's previous Concluding Observations or in responding to the Committee's more recent list of issues. Achieving sustainable change for Indigenous women in Canada requires the deconstruction of the current systems that perpetuate violence and discrimination against us and the reconstruction of systems grounded in Indigenous women's voices and leadership. Canada must work in partnership with Indigenous women's organizations to remedy ongoing human rights violations and restore Indigenous women's leadership and self-determination. In conducting its review of Canada, ONWA encourages the Human Rights Committee to continue to hold Canada accountable to its treaty obligations and ensure the Convention is implemented alongside the UN Declaration on the Rights of Indigenous Peoples and the Convention on the Elimination of All Forms of Discrimination Against Women. We thank the Committee for its consideration.

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<sup>107</sup> Sapers, H. (2024).

## Appendix 1: Ontario Native Women's Association Membership

### Chapters (incorporated Indigenous women's organizations):

1. Beendigen Inc.
2. Biidaajiwun Inc.
3. Biminaawzogin Regional Aboriginal Women's Circle
4. Daughters of the Fur Trade
5. Georgian Bay Native Women's Association
6. Hamilton-Wentworth Chapter of Native Women Inc.
7. Kateri Anishnabekwe Association
8. Kenora Anishinaabe-Kweg Aboriginal Women's Organization
9. Lovesick Lake Native Women's Association
10. Minwaashin Lodge
11. Nahkendan: Knowing Your Truth
12. Native Women's Resource Centre of Toronto
13. Niagara Chapter-Native Women Inc.
14. Nijikiwendidaa Anishnaabekwewag Services Circle
15. Orillia Native Women's Group
16. Tyendinaga Native Women's Association
17. Sunset Women's Aboriginal Circle

### Councils (grassroots Indigenous women's groups):

1. All Our Relations
2. Anishnawbequek Timmins
3. Aroland Ladies of 242
4. Batwating Anishabekwewok Members
5. Constance Lake Anishinawbe Quek
6. Deshkan Zii Bi Indigenous Women's Association
7. Ginoogaming First Nation Council
8. Grassy Narrows Women's Group
9. Indigenous Women of Niagara
10. Indigenous Women On-Line
11. Kiinwi Gdaniwewin'aa
12. Kingston Thunder Women
13. New Post Women's Group
14. Mamowedew
15. The Matriarch's
16. Métis Women's Circle
17. Mindemoweyag Women's Group
18. Rainbow Women
19. Rocky Bay Women's Council
20. Thunder Bay Council
21. Wabigoon Aboriginal Women's Group
22. Waibejawong Anishnabequek