

## Addressing Violence against Indigenous Women in Canada through a National Strategy

### Issue

In Canada First Nations, Métis and Inuit women are five times more likely to suffer violence than non-Indigenous women.<sup>1</sup> The causes of violence against Indigenous women are connected to a broader issue of systemic discrimination, which has resulted in the marginalization of Indigenous peoples and particularly women.<sup>2</sup> Indigenous women are at higher risk of violence (both in the private and the public sphere), of poverty,<sup>3</sup> of trafficking,<sup>4</sup> and are over represented in the criminal system.<sup>5</sup>

Addressing the issue of violence against Indigenous women is in Canada's best interest for a number of reasons. First, violence against Indigenous women is a Public Management issue that permeates the area of public policy, social and economic policy as well as the political sphere. Next, Canada committed, through Convention on the Elimination of Discrimination against Women (CEDAW) and The Beijing Action Platform (1995), to implementing policies and procedures to address gender-based violence.<sup>6</sup> Also, Canada's Indigenous population is the fastest growing group in the country (see annex 1.A), but one of the most marginalized, which in the long-run can be a challenge to the Canadian welfare system. Finally, Canada's international reputation, as a leader in Human Rights, is at stake.

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<sup>1</sup> Assembly of First Nations, "A National Action Plan to End Violence Against Indigenous Women and Girls," (2013, July): 2.

<sup>2</sup> Ibid, 2.

<sup>3</sup> Vivian O'Donnell and Susan Wallace, "First Nations, Métis and Inuit Women," *Statistics Canada*, (2011): 34.

<sup>4</sup> Assembly of First Nations, 18.

<sup>5</sup> Ibid, 2.

<sup>6</sup> CEDAW, "Overview of the Convention," (n.d.). Retrieved from <http://www.un.org/womenwatch/daw/cedaw/>.

## Background

In 1981 Canada ratified CEDAW, which requires member countries to adopt measures to end discrimination against women.<sup>7</sup> In 2009 the United Nations' Office of the High Commissioner in Human Rights called Canada to address gendered violence against Indigenous women (see annex 2.A).<sup>8</sup> Its report pointed out that Indigenous women experience higher levels of sexual violence and chances of suffering a violent death at the hands of strangers.<sup>9</sup> Although the Federal Government has partnered with the Native Women's Association of Canada to raise awareness about racialized and sexualized violence against Aboriginal women<sup>10</sup> a consistent national strategy is not in place.<sup>11</sup> The latest UN Periodic Review concluded that violence against Indigenous women continues; thus, the Canadian government needs to implement a national strategy to address the problem<sup>12</sup> (see annex 2.B).

## Current Status

As of 2014, several NGOs have organized to propose National Strategies targeting gender-based violence. Some of the most vocal include the Canadian Network of Women's Shelters and Transition Houses (CNWSTH) as well as the Assembly of First Nations (AFN). The upcoming 2015 election is an opportunity to discuss policy options to address the issue.

## Options

Some of the policy options available include:

*Delegating Responsibility to Provincial Powers:* According to the CNWSTH, many provinces recognize gender-based violence as a historical process that intersects with numerous racial and

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<sup>7</sup> Ibid, n.p.

<sup>8</sup> United Nations, "Summary Prepared by the Office of the High Commissioner," *Universal Periodic Review* (2009): 4.

<sup>9</sup> "National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1 Canada," *Universal Periodic Review*. (2009): 16-17.

<sup>10</sup> Ibid, 17.

<sup>11</sup> "Summary Prepared by the Office of the High Commissioner:"4.

<sup>12</sup> Human Rights Council, "Draft Report of the Working Group," *Universal Periodic Review*, (2013): 4-5.

social inequalities.<sup>13</sup> Provinces partially fund services like shelters and transition houses, and are responsible for law enforcement. So far the provinces of Manitoba, Québec, Ontario, Newfoundland and Labrador, Alberta, British Columbia and the Northwest Territories have their own action plans to address violence against women.<sup>14</sup> The advantages of such an approach include targeted planning according to each population's needs and lower costs for the Federal Government. However the CNWSTH argues that this also leads to inconsistent policy and ineffective protection for women.

National Action Plan: The CNWSTH is advocating for a National Action Plan (NAP) that contemplates the intersections of Federal, Provincial and Municipal powers, as well as the legislative challenges associated with addressing violence against women. Their report recommends the adoption of a NAP to address gaps within Federal and Provincial jurisdictions, improve women's safety within provinces and territories and lead legal reform (see annex 3.B). Similarly, the AFN has also published a report calling for the creation of a NAP with the help of Indigenous approaches and organizations (see annex 3.A). A NAP would require a long-term financial commitment on the part of the Federal Government, as well as a commitment to implement such a plan from the Provinces and Territories. Consensus is essential for the success of this project.

Non-Action: Governments may use "non-action" as a policy decision. In this case, NGOs and International organizations have pointed out that the Federal government's decision to engage in "non-action" has been largely unsuccessful in guaranteeing Indigenous women's safety and Human Rights. Maintaining the status quo can also be expensive, in terms of welfare and the costs of court procedures and jail sentences, and ethically problematic.

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<sup>13</sup> Canadian Network of Women's Shelters and Transition Houses, "The Case for a National Plan on Violence Against Women," (2013): 5.

<sup>14</sup> Ibid, 14.

## Recommendations

The best course of action is to engage in a NAP. NAPs have been successful in diminishing violence, but also in paving the road for other types of gender equality. While challenging in terms of cost and consensus, the Federal Government would enjoy the support of many women's organizations, international NGOs, Indigenous groups and International bodies like the UN.

In terms of costs, a National Action Plan could reduce the cost of services and legal processes in the long-term by emphasizing preventive measures, legal reform and community-based approaches to dealing with violence. In addition, a National Action Plan would provide Indigenous women with a "double shield." First, it would protect them as "women" through legal means and a safety net of social services. Next, it would address other sources of marginalization such as race, identity, and poverty, among others, by providing culturally sensitive services and legal resources. Nonetheless, it is still important to recognize that the consultation process and the leadership of Indigenous women's organizations are keys to success.

## Attached Annexes

- 1.a: Relevant statistics on the social and economic status of Indigenous women.
- 2.a: Excerpt of UN recommendations, 2009.
- 2.b: Excerpt of UN recommendations, 2013.
- 2.c : Relevant conclusions by the Parliamentary committee on the status of women.
- 3.a: Key Points on the *National Action Plan to End Violence Against Indigenous Women and Girls*.
- 3.b: Key Points on the *National Action Plan*.

**ANNEX 1.A RELEVANT STATISTICS ON THE SOCIAL AND ECONOMIC STATUS OF INDIGENOUS WOMEN.**

A report by Vivian O'Donnell and Susan Wallace (2011) published by Statistics Canada shows that Indigenous women in Canada experience unique challenges. The following tables outline relevant statistics regarding Indigenous women's economic and social status in Canada.

**Indigenous women (census 2006)<sup>15</sup>**

<b>By Group</b>	<b>Number</b>
First Nations	359,975
Metis	196, 280
Inuit	25, 455

**Lone Motherhood<sup>16</sup>**

<b>By Group</b>	<b>Percentage</b>
Non- Indigenous women	8%
First Nations	20%
Metis	14%
Inuit	17%

**Fertility Rates 2001-2006<sup>17</sup>**

<b>By Group</b>	<b>Average of Children</b>
Non- Indigenous women	1.5
First Nations	2.9
Metis	2.2
Inuit	3.4

**Teen Mothers (15 to 19 years of age).<sup>18</sup>**

<b>By Group</b>	<b>Percentage</b>
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<sup>15</sup> O'Donnell and Wallace, 5.

<sup>16</sup> Ibid, 20.

<sup>17</sup> Ibid, 20.

<sup>18</sup> Ibid, 20.

Non- Indigenous women	1.3%
First Nations	9% (urban) 12% (on-reserve)
Metis	4%
Inuit	9%

### Indigenous Women Living in Crowded Housing<sup>19</sup>

O'Donnell and Wallace define *Crowded Dwellings* as "...having more than 1 person per room."<sup>20</sup> Such an arrangement is a source of concern due to health issues, mental health problems and family violence.

By Group	Percentage
Non- Indigenous women	3%
First Nations	14%
Metis	3%
Inuit	31%

### Women living in Inadequate Housing<sup>21</sup>

Inadequate housing is described as requiring major repairs due to defective plumbing, structural issues in floors and ceilings or having inadequate electrical wiring.

By Group	Percentage
Non- Indigenous women	7%
First Nations	28% 44% (on-reserve).
Metis	14%
Inuit	28%

### Paid Work and Employment<sup>22</sup>

By Group	Percentage	of
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<sup>19</sup> Ibid, 22.

<sup>20</sup> Ibid, 22.

<sup>21</sup> Ibid, 22-23.

<sup>22</sup> Ibid, 26.

		<b>Employment</b>
Non-Indigenous	women	57.7%
First Nations		41.1%
Metis		60%
Inuit		49.1%

### **Income (2006)<sup>23</sup>**

<b>By Group</b>	<b>Median Income</b>	
Non-Indigenous	women \$20,640	
First Nations		\$14,490
Metis		\$17,520
Inuit		\$16,599

### **Education-Incomplete High School<sup>24</sup>**

<b>By Group</b>	<b>Percentage</b>	
Non-Indigenous	women 20%	
First Nations		39%
Metis		27%
Inuit		53%

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<sup>23</sup> Ibid, 33.

<sup>24</sup> Ibid, 35.

**ANNEX 2.A EXCERPT OF UN RECOMMENDATIONS, 2009.**

THE UNIVERSAL PERIODIC REVIEW 2009<sup>25</sup> resulted in the following relevant recommendations in regards to the status of Indigenous women and their experience with violence:

- 1) “For Canada to re-consider its position and endorse the Declaration of the Rights of Indigenous Peoples.”<sup>26</sup>
- 2) “To give the highest priority to addressing inequalities between Aboriginal and other citizens in Canada, particularly in economic development, education, citizen empowerment and protection of the vulnerable...”<sup>27</sup>
- 3) “To continue its efforts to tackle discrimination against Aboriginal women; and to address the root cause of domestic violence against women, in particular Aboriginal women.”<sup>28</sup>
- 4) “...to properly investigate cases of the death of indigenous women...”<sup>29</sup>

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<sup>25</sup> United Nations Human Rights, “Human Rights Council, Universal Periodic Review,” (2009), n.p. Retrieved from <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Highlights3February2009am.aspx>

<sup>26</sup> Ibid, n.p.

<sup>27</sup> Ibid, n.p.

<sup>28</sup> Ibid, n.p.

<sup>29</sup> Ibid, n.p.

**ANNEX 1.B EXCERPT OF UN RECOMMENDATIONS, 2013.**

During the 2013 review the following recommendations were made in regards to Indigenous women:

- 1) 128.58 “Take effective legal measures with a view to the adoption of a national plan of action so that the rights of indigenous peoples will be respected and all forms of violence against Aboriginal women and girls will be ended” [Recommendation made by the Republic of Iran].<sup>30</sup>
- 2) 128.60. “Consider the adoption of a national plan of action in pursuance of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)...”<sup>31</sup> [Recommendation made by Cape Verde].
- 3) 128.84. “Take all appropriate measures to address violence against indigenous women.”<sup>32</sup> [Recommendation made by Sweden].
- 4) 128.85. “Take effective measures to combat violence against Aboriginal girls and women.”<sup>33</sup> [Recommendation made by Cape Verde].
- 5) 128.86. “Put an end to all forms of violence against Aboriginal women and girls.”<sup>34</sup> [Recommendation made by Honduras].
- 6) 128.97. “Develop and implement a national plan of action to address violence afflicting indigenous women and girls, providing for an adequate reaction of authorities and a resolution to the root causes of the violence.”<sup>35</sup> [Recommendation made by Slovakia].

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<sup>30</sup> “Recommendations and Pledges Canada” (2013): 5. Retrieved from [http://www.upr-info.org/IMG/pdf/recommendations\\_and\\_pledges\\_canada\\_2013.pdf](http://www.upr-info.org/IMG/pdf/recommendations_and_pledges_canada_2013.pdf)

<sup>31</sup> Ibid, 5.

<sup>32</sup> Ibid, 6.

<sup>33</sup> Ibid, 6.

<sup>34</sup> Ibid, 6.

<sup>35</sup> Ibid, 7.

- 7) 128.98. “Devise a national action plan to address the structural roots of violence, raise awareness, and ensure effective access to justice, redress and protection for indigenous women” [Recommendation made by Slovenia].
- 8) 128.105. “Implement measures to ensure that the Aboriginality of victims of gender-based violence is accurately recorded” [Recommended by Australia].

Most of these recommendations were rejected by the Canadian government.

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## 2.C RELEVANT CONCLUSIONS BY THE PARLIAMENTARY SPECIAL COMMITTEE ON VIOLENCE AGAINST INDIGENOUS WOMEN (IWFA).

The committee recently published “A Report on Missing and Murdered Indigenous Women in Canada.”<sup>36</sup> The report found that although Indigenous women suffer twice as much domestic violence than non-Indigenous women, they are also much more likely to be victims of violence perpetrated by strangers.<sup>37</sup> Similarly, research provided by the Native Women’s Association of Canada (NWAC) shows the prevalence of the “missing or murdered women” among Indigenous populations. The report points out:

“According to information gathered by NWAC, 70% of disappearances and 60% of murders occurred in urban areas. Moreover 87% of missing or murdered women and girls were mothers of at least one child. This finding is troubling, especially since NWAC’s research shows a cycle in which “a mother would go missing, and then the daughter would go missing years later. In some particular family lines, several individuals have gone missing.” These cases also impact the many children who now have to live without a mother.”

The committee submitted 16 recommendations in seven different areas. Recommendations require changes in the justice system, support of Indigenous women through the educational system on and off reserve, the funding of support programming and legislation, addressing poverty and housing issues in Indigenous communities, and the inclusion of all recommendations into a coordinated action plan.<sup>38</sup>

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<sup>36</sup> House of Commons, “Invisible Women: a Call to Action,” (2014). Retrieved from <http://www.parl.gc.ca/content/hoc/Committee/412/IWFA/Reports/RP6469851/IWFArp01/IWFArp01-e.pdf>

<sup>37</sup> Ibid, 10.

<sup>38</sup> Ibid, 40-41.

### 3.A-KEY POINTS ON THE NATIONAL ACTION PLAN TO END VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS.

Last July the Assembly of First Nations (AFN) proposed a National Action Plan to address violence against Indigenous women. The AFN has identified important areas of focus including reform to the justice system, awareness and education campaigns, support of Indigenous communities through services and appropriate infrastructure and adequate supports for Indigenous women.

More pragmatically the AFN has identify steps towards implementation:

- Investment in front-line services and shelters on-reserve and in rural areas so that every First Nations woman and girl experiencing violence has access to immediate support.
- Coordinated strategy inclusive of service providers and First Nations governments to prevent and address violence against Indigenous women and girls in urban centres.
- Develop compulsory protocols between and among police services to share information and immediately respond to and appropriately investigate reports of missing persons by Indigenous families.
- Create a resource centre/hub for First Nation communities of prevention, awareness and response materials.
- Support a **National Gathering** led by and for the families of murdered and missing Indigenous women.
- Call a **National Public Commission of Inquiry** into Violence Against Indigenous Women and Girls, including those that have disappeared or have been murdered.
- Provide **Local Community Action Grants** to support the development of **Community Action Plans & Emergency Management Teams** in every First Nation community so they are equipped to intervene in incidences of violence.

- Compel police services to work together to **produce verifiable numbers on incidences of violence** against Indigenous women and girls, so that progress can be measured.
- Provide **sustainable, adequate resources to First Nations Police Services**.
- Create a **National public awareness and prevention campaign** on violence against Indigenous women and girls.<sup>39</sup>

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<sup>39</sup> Assembly of First Nations, 21.

### 3.B- KEY POINTS ON THE NATIONAL ACTION PLAN.

The Action Plan proposed by the Network of Women's Shelters and Transition Houses also covers a wide array of areas of improvement. An important contribution to the discussion is the guidance outlined for the creation of a successful National Action Plan (NAP) to address violence against women (VAW):

**A coordinated NAP on VAW in Canada will help ensure:**

- Consistency across and within jurisdictions in policies and legislation that address VAW.
- Shared understanding of the root causes of VAW.
- Consistent approaches to prevention of and responses to VAW.
- Collective pursuit of the most appropriate solutions.
- High-level commitment to a multi-pronged, coordinated, pan-Canadian approach.
- Coordinated, clear, and effective services and systems for survivors of VAW that respect and respond to diversity.

**A coordinated NAP on VAW in Canada must include:**

- New commitments and clear targets.
- New financial resources.
- Effective prevention mechanisms.
- Universal coverage of response mechanisms for survivors.
- Review of justice mechanisms and policing practices.
- A robust mechanism for monitoring and evaluation and data collection.

**The process for developing Canada's NAP must include:**

- Meaningful consultation with all stakeholders, including providing resources to stakeholders working directly in the area of VAW and to survivors of VAW.

- Mechanisms to ensure that the voices and recommendations of survivors and front-line workers are reflected in the NAP.
- Strong political leadership.<sup>40</sup>

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<sup>40</sup> Canadian Network of Women's Shelters and Transition Houses, 39-40.

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