

Fourteenth Session of the United Nations Permanent Forum on Indigenous Issues

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Item 7: Human Rights - Implementation of the United Nations Declaration on the Rights of Indigenous Peoples - Eradicating Violence against Indigenous Women and Girls

Speaker: Dr. Dawn Lavell Harvard

Honourable Madame Chair,

Thank you for this opportunity. On behalf of the Native Women's Association of Canada, I would like to thank the former Special Rapporteur, for coming to Canada to personally witness and investigate the grave violations of the rights of Indigenous women and girls.

In response to the many recommendations made in the resulting reports, including the Call for a national inquiry into the 1200+ Missing and Murdered Aboriginal women and girls, we have not seen substantial and significant action from the Government of Canada (GoC) and while the overall female homicide rates have decreased, the number of Indigenous Women who are murdered keeps rising.

Statement of the Native Women's Association of Canada; Assembly of First Nations; International Indian Treaty Council; Akali Tange Association (Pangera Alliance) Papua New Guinea; Quebec Native Women; Te Rūnanga o Te Rarawa; Southeast Indigenous Peoples' Center; Pacific Region of Global Indigenous Caucus; First Peoples Human Rights Coalition; Canadian Friends Service Committee (Quakers); KAIROS: Canadian Ecumenical Justice Initiatives; Chiefs of Ontario; Grand Council of the Crees (Eeyou Istchee); Amnesty International; Canadian Feminist Alliance for International Action (FAFIA); Na Koa Ikaika KaLahui Hawaii; Samson Cree Nation; DisAbled Women's Network (DAWN) Canada; Union of British Columbia Indian Chiefs; First Nations Summit; Indigenous World Association; American Indian Law Alliance

Combating violence against Indigenous women and girls, Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)

Violence against Indigenous women and girls and the State's failure to respond appropriately to this problem are integrally linked to the fact that Indigenous (First Nations, Inuit and Metis) women and girls experience widespread discrimination and are amongst the most socially and economically disadvantaged groups in Canadian society—a reality which is deeply rooted in colonization. Discrimination against Indigenous women and girls is also embedded in the culture of the Canadian criminal justice system. The social and economic marginalization of Indigenous women and girls not only makes them prey for violent men, but is also used by officials as a justification for failing to protect them.

Despite the overwhelming statistics concerning disappearances and murders of Indigenous women and girls, the Government of Canada (GoC) has failed in their obligation to exercise due diligence to adequately prevent the violence, investigate reports of disappearances and murders, and bring perpetrators to justice. Authorities, and in particular the Federal government, have failed to implement a comprehensive, National Plan to address the violence, including measures that address the social and economic factors contributing to their risk of violence; appropriate training for police, prosecutors and judges in all jurisdictions, effective police protocols for dealing with missing Indigenous women and girls, reliable systems for disaggregated data collection, co-ordination across jurisdictions, and accountability

mechanisms. Initiatives to address the disappearances and murders have been piecemeal. The GoC must take immediate and comprehensive action in order to fulfill its international human rights obligations to prevent, investigate, and punish acts of violence perpetrated against Indigenous women and girls.

The International Expert Group Meeting and numerous international bodies have identified eliminating violence against Indigenous women and girls and their safety and security in communities as being directly linked to implementing self-determination and dismantling the social, political, and economic barriers that impede the rights of Indigenous Peoples. Persistent barriers to Indigenous women and girls' human, civil, political, and social rights have caused disproportionately high rates of poverty, violence, and dispossession of lands and resources. The ramifications of these occurrences are grave and have continued impacts on Indigenous communities.

Violence is a critical symptom of greater systemic discrimination and barriers to rights realization that exist in many states. Regeneration of Indigenous self-determination and nationhood is critical, as strong and independent governance structures and capacities will enable Indigenous Peoples to address poverty, violence, and the restoration of their traditional territories. Strong and meaningful implementation of the UN Declaration and the many rights it affirms will greatly contribute to improvement of safety, security, wellness, and strength for Indigenous societies and communities.

International conventions and other human rights instruments, such as the UN Declaration, the Convention on the Elimination of all forms of Discrimination Against Women, and the International Convention on the Elimination of all forms of Racial Discrimination, denounce and condemn violence against women and girls. All States must continue to work with Indigenous Peoples to ensure their domestic laws and policies respectfully enshrine the values and principles of these international instruments, and with the full participation and involvement of Indigenous Peoples, specifically women and girls.

More meaningful, fair, respectful, and comprehensive approaches are required and should be developed in conjunction with Indigenous women and girls. National and coordinated action is required by all governments, and must adhere to and acknowledge the holistic approaches of Indigenous Peoples.

We recommend the following:

1. All States, including Canada, need to develop and implement a comprehensive National Plan of Action to end violence against our women, including addressing the social and economic conditions contributing to this violence; and immediately develop and implement a national strategy to address the disadvantaged social and economic conditions of Indigenous women and girls, including poverty, inadequate housing, low educational attainment, inadequate child welfare policies, and the over-criminalization of Indigenous Peoples.
2. Canada should initiate a national inquiry into the disappearances and murders of Indigenous women and girls that will lead to the design of independent, national, cross-jurisdictional mechanisms and protocols for police and justice officials. This inquiry should include a review of practices and measures related to child welfare, social assistance, housing, criminal justice, policing, and incarceration and identify where systemic correction is needed to

dismantle institutionalized sexism and racism where Indigenous Peoples can meaningfully participate in the process. In addition, there can concurrently be a global study of violence against Indigenous women, coordinating and sharing data and other relevant information about trafficking of Indigenous women and girls.

3. GoC is urged to implement recommendations made by the recent reports by the Committee on the Elimination of Discrimination Against Women and the Organization of American States: Inter-American Commission on Human Rights regarding Canada's conduct and the situation of violence against Indigenous women and girls.
4. States should ensure that Indigenous women and girls are actively and increasingly involved in all political, economic, and social processes so as to honour and strengthen the traditional roles and responsibilities of women in Indigenous Nations.
5. GoC needs to establish independent mechanisms for investigations into misconduct and discrimination within the criminal justice system and police forces and needs to establish independent mechanisms for investigating allegations of misconduct or discrimination within the federal, provincial or territorial components of the criminal justice system, to hold accountable those entities who commit acts of misconduct or discrimination.

In closing, I would like to direct a question to the Special Rapporteur, "What do we do now, as Canada continues to ignore, and fails to respond to the UN reports including, the CEDAW report, condemning these grave violations of the rights of Indigenous women and girls?"

Thank you Madame Chair.

