



# General Assembly

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## Human Rights Council

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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by The Institute for Protection of Women's Rights (IPWR), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2023]

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\* Issued as received, in the language of submission only.



# **Violation of the Rights of Indigenous Women and Children in Canada**

## **Introduction**

There is much international law that is “aimed at securing the survival and flourishing of indigenous peoples” that requires states to take action that involves Indigenous peoples. A starting place for a human rights-based approach to the Inquiry’s work on the causes contributing to violence and particular vulnerabilities of Indigenous women and girls is to develop the conceptual framework of human rights that are relevant to murdered and missing Indigenous women and girls. Developing this framework requires synthesizing international human rights to determine the norms and principles, including Indigenous women’s and girls’ rights and state obligations that should guide the Inquiry’s work. A human rights-based approach will set out Canada’s obligation and international responsibility to address the situation of murdered and missing Indigenous women and girls. According to international law, states are responsible for internationally wrongful acts, which can include acts and omissions.

Even though the doctrine of state responsibility is evolving, the challenge remains for the doctrine to be interpreted to “acknowledge the systematic and structural nature of gender discrimination and the role that states play in maintaining gender discrimination” including Canada’s responsibility for murdered and missing Indigenous women and girls.

Canada is a party to more than ten of the eighteen major human rights treaties and optional protocols under the United Nations system. The obligations found in these treaties should guide the Inquiry’s analysis of existing Canadian laws, policies, and practices against the standards set out in these provisions.

We express deep concern over the violation of the rights of indigenous women and children in Canada. Respecting cultural and social diversity should be the cornerstone of ensuring the rights of all individuals. We call for serious measures to be taken by Canadian authorities to support the rights of indigenous women and children, enabling them to fully access all opportunities and fundamental rights and contribute value to their communities. These measures should be developed in collaboration with these indigenous communities to identify the best possible solutions for addressing existing shortcomings. Supporting the rights of indigenous women and children is essential for creating a just, balanced, and sustainable society, and we expect Canada to diligently pursue these fundamental goals. Here are some examples of violations of the rights of Indigenous women and children in Canada that Canadian authorities should be committed to solving them:

1. Inequality in Access to Healthcare and Education
2. Housing Disparities
3. Inequality in Employment Opportunities
4. Cultural Disruption
5. Overrepresentation in Child Welfare Systems
6. Violence and Missing Indigenous Women
7. Environmental and Land Rights
8. Limited Political Representation

It's important to note that these examples highlight the complex and multifaceted challenges that Indigenous women and children continue to face in Canada. Efforts are being made to address these issues, but there is still much work to be done to ensure their rights and well-being are fully upheld.

The international community, human rights organizations, and concerned citizens should join in advocating for the protection of the rights of indigenous women and children in Canada.

This is not only a responsibility of the Canadian government but a collective effort to uphold the principles of equality, justice, and dignity for all, regardless of their background or heritage.

Continuing on this path, a focus on education and awareness is also of paramount importance. More extensive efforts must be made to promote an understanding of human rights and the rights of indigenous women and children, especially in communities where cultural and societal factors might limit access to such information.

The violation of the rights of indigenous women and children is not merely a domestic issue; it is an international concern that impacts all of humanity. We expect all member state to wholeheartedly fulfill their commitments in the realm of human rights and support for indigenous women and children. Doing so will ensure the country's full utilization of the capabilities of all members of its society and contribute to sustainable growth and cultural exchange in Canada and around the world.

## **Suggestions**

While Canada has often argued that additional human rights protections are not necessary because we have human rights legislation and the Canadian Charter of Rights of Freedoms, the vast and systemic nature of murdered and missing Indigenous women and girls demonstrates that the current system in Canada to protect Indigenous women and girls is not working. It is time for a new approach, one that seeks to uphold human rights and ensure Indigenous women receive protection under the law, perpetrators of gross human rights violations are prosecuted, and the complicity of the state is addressed. A human rights-based approach will help meet these ends because it “emphasizes universality, equality, participation, and accountability.

We urge the Human Rights Council to remind all member states especially Canada to:

1. Enhance Access to Healthcare and Education
2. Promote Gender and Cultural Equality and integrate it with the values and cultures of Indigenous communities.
3. Strengthen Political Participation and Opportunities for Indigenous Women to participate in decision-making processes
4. Address Social Determinants
5. Boost Education and Job Opportunities
6. Develop Support Programs and Policies
7. Advance Land Rights and Natural resources
8. Promote Culture, Language, and identity for Indigenous youth

## **Conclusions**

In conclusion, we emphasize the need for more extensive actions to address the violation of the rights of indigenous women and children in Canada. This encompasses policy reforms, active collaboration with indigenous communities, allocation of sufficient resources, and the expansion of comprehensive education and awareness programs. By steadfastly pursuing these goals, Canada can contribute to the creation of a just, balanced, and vibrant society. These efforts not only enhance the country's utilization of its capacities but also foster cooperation and cultural exchange within and beyond its borders.