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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.

[9 February 2024]

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



Violation of the Rights of Canadian Indigenous Women

Indigenous women around the world are disproportionately affected by violence and harassment, and because they are indigenous and women, this leads to much violence against indigenous women. Decades of structural and systematic discrimination against Indigenous women has led to widespread abuses that persist across Canada.

One of the systematic violence against Indigenous women in Canada is forced sterilisation based on the eugenics movement, which has persisted in various forms from the past to the present. The roots of the sterilisation movement begin in 1928 with the introduction of the Sexual Sterilisation Act, which was first passed in Alberta. This law enabled and actively promoted the sterilisation of people who were considered undesirable.

In Canada, Indigenous women were forcibly sterilised under various historical government policies, including this Act, which was in effect from 1928 to 1972. This practise appears to disproportionately and possibly exclusively target Indigenous women. In British Columbia, the law allowed the directors of residential schools to perform the sterilisations. As their legal guardian, they could have any Indigenous child under their supervision sterilised. Sterilisations were often performed on entire groups of indigenous children as soon as they reached puberty.

Doctors usually perform these sterilisations when the woman is in labour or undergoes a tubal ligation immediately after giving birth, which permanently prevents her from conceiving naturally, which can have profound consequences for her and her family. In some known cases, women are sterilised even though they have explicitly refused consent, while other women are put under undue pressure and still others are simply not asked.

When sterilisation is performed without informed consent, it violates the individual's right to dignity, humane treatment, health, family, information, privacy and the right to decide freely on the number and spacing of children, among others.

International human rights law has clearly established that forced sterilisation violates several human rights and constitutes an act of gender-based violence. According to the Geneva Conventions, forced sterilisation is a form of genocide and a crime against humanity.

Forced sterilisation is a violation of human rights and can constitute an act of genocide, gender-based violence, discrimination and torture. It is an example of cruel and unusual punishment that is illegal under the Canadian Charter of Rights and Freedoms. In recent years, human rights bodies have further clarified the steps that states must take to prevent forced sterilisation, protect survivors and ensure access to remedy, although these measures have not been sufficient.

In light of this tragic reality, Indigenous leaders, national Indigenous organisations, provincial and territorial governments, non-governmental organisations, international human rights bodies and individual activists have repeatedly called for a national enquiry to investigate the disproportionately high rates of violence against Indigenous women.

Although Canada is fully aware of the plight of Indigenous women in general and their vulnerability to male violence in particular, the federal and provincial governments refuse to implement crucial reforms to protect Indigenous women and girls. This is despite the fact that Canada has condemned forced sterilisations in other parts of the world, including on Uyghur women in China.

We recognise that Indigenous women and girls face intersecting forms of discrimination and persistent barriers to the full enjoyment of their human rights. Forced sterilisation is a gross violation of human rights and the rights of indigenous peoples and must be criminalised to put an end to this inhumane practise.

We are deeply concerned that in addition to Indigenous women, other vulnerable and marginalised groups in Canada are also affected by forced sterilisation, including women with disabilities, racialised women, intersex children and people in institutional care. We condemn Canada for enabling the ongoing violations of Indigenous women's right to life, liberty and security.

Conclusion

Forced sterilisations of Indigenous women are the result of systematic bias and discrimination against Indigenous peoples in the delivery of public services in Canada, a pattern that is well known and recognised by the government. They are an attack on the cultural integrity of societies that have already suffered serious human rights violations, including forced assimilation. Sterilising people without their free, full and informed consent is a form of violence and torture. Measures to prevent births within ethnic or racial groups are expressly prohibited by the Convention on the Prevention and Punishment of the Crime of Genocide. Everyone has the human right to decide for themselves whether, when and how they want to start a family. Everyone has the right to live free from violence and discrimination.

Recommendations

- Canada must acknowledge its role in forced sterilisations of Indigenous women, as it is responsible for managing the public health system, and recognise its international obligations.
- Investigate allegations of forced sterilisations, with a particular focus on cases involving Indigenous women and girls, and ensure justice and compensation for survivors and their families.
- Apply existing criminal provisions for grievous bodily harm and disciplinary sanctions for breaches of professional standards to cases of forced sterilisation.
- Change government policy and practise to explicitly prohibit sterilisation without free, full and informed consent.
- The government must commit to implementing the reforms proposed by the International Society and take encouraging and meaningful steps forward.
- The government must implement accountability policies and mechanisms across Canada that provide clear guidelines on how to ensure that sterilisations are only performed with free, full and informed consent and that provide access to justice for survivors and their families.
- The Canadian government should thoroughly investigate all allegations of forced sterilisations of Indigenous women in Canada;