



## **Economic and Social Council**

Distr.: General  
29 November 2012

Original: English

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### **Commission on the Status of Women**

#### **Fifty-seventh session**

4-15 March 2013

**Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”: implementation of strategic objectives and action in critical areas of concern and further actions and initiatives**

### **Statement submitted by Assembly of First Nations — National Indian Brotherhood, a non-governmental organization in consultative status with the Economic and Social Council**

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



## **Statement**

### **Historical, political and socioeconomic context**

While there are many different ways indigenous communities organized and governed themselves pre-contact, their laws, traditions and customs established that indigenous women generally exercised leadership roles within their families and societies. Their participation was central to the safety and security of their families and community members. Women in some pre-contact traditional societies, such as the Haudenosaunee, had the power to appoint and remove the chiefs. Indigenous governance systems had established processes to protect all members, especially the vulnerable, and to deal with violence in a way that continued to support families and the community.

Regrettably, a number of historical, socioeconomic and legal realities have come together to generate the conditions that disempowered, marginalized and allows violence against indigenous women and girls to persist.

European economic and cultural expansion was especially destructive for indigenous women, as their valued position as equal partners in tribal society was altogether undermined. Specifically, traditional systems have been attacked and displaced due to the imposition of foreign governance, justice and education systems. Key among these is displacement of indigenous peoples and dispossession of their lands, breaking up families by targeting children through Indian Residential Schools and the child welfare system, and the discrimination and disenfranchisement of indigenous women and their children through registration provisions of the Indian Act.

As a result, indigenous women and girls have been pushed to the margins more so than their non-indigenous counterparts, especially in urban settings. The high rates of First Nation children in State care (eight times that of non-First Nation children) and chronic underfunding of First Nation child welfare services introduce additional vulnerabilities to violence. In addition, women and girls often face economic and educational disadvantages which make them poor and vulnerable to violence.

For example, even though 9 per cent of Canadians live in poverty, aboriginal women make up 36 per cent of those who live in poverty. Some regions, for example Manitoba, have appallingly high rates of poverty (almost 70 per cent of aboriginal children under the age of six are poor). Similarly, the most recent Regional Health Survey (2008-2010), found that 36.2 per cent of women living on reserve have a personal income of \$15,000 or less, with 10 per cent of women having no income at all; 42 per cent reported that they struggle to meet their basic food needs. Compounding these indignities is the widespread silence of mainstream Canadian society and media on violence against indigenous women and girls.

All of these factors have worked together to develop a societal narrative that allows violence against indigenous women to persist. Just one example is the perception that women working in the sex trade are leading “high-risk lifestyles” and are therefore less likely to garner the attention of the police and media. Consequently, the violence that they experience has become normalized and, in some cases, almost expected.

### **Current status of violence against indigenous women and girls**

The Native Women's Association of Canada estimates that about 600 indigenous women in Canada have gone missing or have been murdered over the last two decades. The Canadian Human Rights Commission has reported that young indigenous women are five times more likely than other Canadian women to die as a result of violence. Unfortunately, the majority of these cases remain unsolved, and it can be argued that the justice system is allowing this violence to persist. There have been many reports of Canadian law enforcement services across the country displaying apathetic attitudes towards reports of missing or murdered indigenous women.

In 2010, Canada announced the establishment of a \$10 million fund to address violence against aboriginal women. The majority of funds are targeted at existing police services to improve investigations, databases, wiretapping and victim services, with very little targeted to community-based interventions that could better serve indigenous women and girls.

No sustained future funding has been identified to address the severe lack of coordination and collaboration between federal, provincial, municipal and First Nation jurisdictions to combat and end violence against indigenous women and girls.

Denial of funding by the Government of British Columbia for legal representation for indigenous parties that secured intervener status at the current Missing Women Commission of Inquiry have deprived families and organizations from adequately addressing police investigations and prosecutorial assessments of cases of murdered indigenous women. The active participation of indigenous interveners would have provided valuable insight into the circumstances that may lead to violence against indigenous women and girls as well as recommendations to improve their safety and security.

### **Overrepresentation of indigenous women in the correctional system**

Unfortunately, for indigenous women, violence is not only seen in the context of victimization but it is also part of a cycle that is perpetuated by their current unacceptable overrepresentation in the correctional system. Public Safety Canada recently released the report "Marginalized: The Aboriginal Women's experience in Federal Corrections" (2012), which states that while aboriginal people account for just 4 per cent of the Canadian population, one in three females in the federal correctional system is aboriginal. In addition, over the last 10 years, the representation of aboriginal women in the prison system has increased by nearly 90 per cent, making them the fastest-growing offender group.

For many indigenous women, involvement in the criminal justice system is the result of a complex set of collective and individual life circumstances marked by violence and poverty. Consequently, upon entering federal correctional institutions, many aboriginal women present with a range of needs including culturally appropriate and gender-appropriate programming regarding life skills, parenting skills, education, employment, alcohol and substance abuse, anger management and spiritual programming. In addition, a number of indigenous women may present with a need for mental health care and treatment.

Unfortunately, access to needed culturally appropriate programmes and supports is falling short in the current system. For example, the average wait time

for a First Nations woman participating in aboriginal-specific programming is 238 days from the date of admission. This lengthy waiting period provides another opportunity for violence to perpetuate.

Given that aboriginal peoples are the fastest-growing population within Canada and that the projected demographics indicate that the overrepresentation of aboriginal peoples in the criminal justice system will continue to grow, aggressive action must be taken now to address the issues of aboriginal women in federal corrections.

Paradoxically, however, the Federal Government's "Tough on Crime Agenda" does nothing to ameliorate the disproportionate rates at which aboriginal peoples are incarcerated; quite the opposite: in terms of aboriginal peoples' overrepresentation within the justice system, the Federal Government's current plan will only serve to further increase the numbers and worsen the already staggering injustice experienced by aboriginal peoples as a whole.

### **Recommendations**

1. As Canada is a federal State, the creation of an inclusive, outcome-oriented intergovernmental mechanism, comprised of indigenous women and girls, elected leadership and federal and provincial ministers, is recommended to develop a comprehensive action and implementation plan to address the high incidence of violence against indigenous peoples.
2. Government at all levels should broadly pursue relationship and policy principles that restore the role of indigenous women and girls in decision-making, policy and strategy development in order to reduce the social and economic circumstances that place them in situations of increased vulnerability and overrepresentation in the correctional and criminal justice systems.
3. The Government of Canada should recognize and support the full implementation of First Nations' jurisdiction over justice systems, institutions and law-making and ensure capacity in First Nations' design and delivery of programmes, services and supports aimed at restoring harmony, balance and wellness in communities.
4. The Government of Canada should immediately establish an independent and inclusive National Public Commission of Inquiry on Violence against Indigenous Women and Girls, with the full support and participation of the provinces and territories.
5. Any activity must be supported by dedicating resources to support this work. Such action would demonstrate a clear and focused commitment on the part of Governments to achieve change and to work with indigenous women, leaders and communities to end violence.