

Indigenous Women's Experiences of the Convention on the Elimination of all forms of Discrimination Against Women in Canada

PREPARED BY THE ONTARIO NATIVE WOMEN'S ASSOCIATION
(ONWA) FOR THE COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN'S REVIEW OF CANADA
AT THE 89TH CEDAW SESSION

September 2024

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“Safety looks like a whole community caring for Indigenous women, loving Indigenous women, uplifting their voices, protecting their children, educating their children, feeding their children. Safety looks like love multiplied. Safety is found at the end of colonial violence. Let’s stop the violence, the trauma. Let the women lead.”
 – Quote from Community Member, 2018

“Regrettably, the most significant achievements are often acquired through court decisions or case settlement rather than implementation of governmental policies, and these advances are ultimately the result of Indigenous Peoples’ strong determination and unabated courage to defend their rights.”
 - Special Rapporteur on the Rights of Indigenous Peoples’ [2023 Country Visit to Canada Report](#)

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Introduction

The Ontario Native Women's Association (ONWA) is the oldest and largest Indigenous women's organization in Canada, representing over 35 discrete Indigenous women's organizations and groups (see Appendix 1). For over 50 years, ONWA has worked to end all forms of violence against Indigenous women, improve Indigenous women's safety and restore our leadership. ONWA recognizes that Indigenous women are the medicine needed to heal ourselves, families, and communities. Despite the tireless grassroots efforts and advocacy from Indigenous women and our organizations, **Indigenous women are still not safe, and our inherent rights continue to be undermined.**

Canada has taken some steps to address gender-based violence and discrimination since its last periodic review by the CEDAW Committee, including the development of a [National Housing Strategy](#), a [National Action Plan in response to the National Inquiry into MMIWG2S+](#), and a [National Action Plan to end Gender Based Violence](#). Despite this, ONWA remains concerned that **Canada is not upholding its commitment to, and obligations under, the CEDAW Convention or the United Nations Declaration on the Rights of Indigenous Peoples.**

There remains a significant lack of action from Canada to ensure the implementation and application of the CEDAW Convention across Canada, which continues to jeopardize Indigenous women's safety and wellness, and undermine our inherent rights. Canada's tenth periodic report to CEDAW (CEDAW/C/CAN/10), and its follow up report to the CEDAW Committee's Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) (CEDAW/C/OP.8/CAN/3/Add.1), present only high level information or acknowledgements and offer incomplete responses to the Committee's list of issues (CEDAW/C/CAN/QPR/10) and previous recommendations (CEDAW/C/CAN/CO/8-9).

Through this submission, we raise **three priority areas of concerns:**

1. Canada is not transparently, coherently and consistently implementing the Convention within and outside of Canada in violation of CEDAW Articles 2, 24, guidance provided through General Recommendations 28 and 39, and the UN Declaration on the Rights of Indigenous Peoples.
2. Canada's response to gender-based violence is inadequate. In particular, the national crisis of MMIWG violates CEDAW Articles 1, 2 (c), (d), (e) and (f), 3, and 5 (a) and the guidance provided through General Recommendations 35 and 39.
3. Indigenous women continue to face systemic discrimination, sexism and racism in Canada, impacting our right to living safe, healthy, and prosperous lives in violation of CEDAW Article 2 (c), (d), and (e) and the guidance provided through General Recommendations 39.

ONWA's Recommendations

Immediately, and within two years, Canada must:

1. Implement the National Action Plan on MMIWG2S, the Calls to Justice that prioritize Indigenous women's safety and healing, and the CEDAW Committee's previous recommendations
2. Create a co-ordinated accountability mechanism – across all levels of government and with Indigenous women - with the mandate and resources for implementing and monitoring outcomes and recommendations that uphold Indigenous women's rights and safety, ensure timely, transparent public reporting on progress, and implement the Special Rapporteur on the Rights of Indigenous Peoples' recommendation for independent Indigenous-led human rights mechanisms.¹
3. Fully eliminate all sex discrimination in the *Indian Act* as outlined in the Indian Act Sex Discrimination Working Group's Submission to CEDAW for Canada's 10th review.

Before Canada's next (11th) review by the CEDAW Committee, Canada must:

4. Implement a nation to nation/distinctions-based PLUS policy² to engagement, policy and program development, and funding models that ensure Indigenous women and our organizations consent and that we are informed, involved, consulted, and benefit from resources being allocated to address key issues of concern to us and our families.
5. Provide core, sustainable funding to Indigenous women's organizations to design, implement, and analyze Indigenous led, culturally grounded responses to the key issues we face, and demonstrate accountability to Indigenous women through funding transparency, demonstrating how funding is improving our safety, and implementing a funding framework that represents and best addresses those most impacted by discrimination and violence.
6. Introduce effective mechanisms independent from the Government of Canada to ensure Canadian extractive industries operating abroad are held accountable for human rights violations, including Indigenous women's right to safety.
7. Implement the Special Rapporteur's recommendations to remediate mercury contamination in the Grassy Narrows First Nation, take immediate measures to address its ongoing impacts (A/HRC/54/31/Add.2, para 96 (h)), and halt the criminalization of Indigenous human rights and land defenders – many of whom are Indigenous women (A/HRC/54/31/Add.2, para 96 (k)).

¹ The Special Rapporteur on the Rights of Indigenous Peoples's 2023 visit to Canada report recommended Canada "Set up an independent Indigenous-led human rights mechanism ...to monitor and enforce the implementation by Canada of the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Indigenous Peoples Act" (A/HRC/54/31/Add.2); The National Inquiry into MMIWG also called for an independent Indigenous-led human rights mechanism ([Call for Justice 1.7](#))

² Nation to Nation/Distinctions-Based PLUS is an inclusive approach to relationship building with Indigenous Peoples and addressing matters impacting our rights and self-determination. It recognizes that many Indigenous Peoples, particularly Indigenous women and Indigenous Peoples living outside of their home community, are excluded from the First Nation, Métis, and Inuit governance structures that represent Indigenous Peoples affiliated with specific lands and territory. Nation to Nation/ Distinctions-Based PLUS goes beyond these governing organizations to include organizations that amplify, and are accountable to, the voices of Indigenous women and the growing population of Indigenous Peoples living in urban, rural and remote areas outside of government defined First Nation, Métis and Inuit territory.

Priority Area 1: Canada is not transparently, coherently and consistently implementing the Convention or the UN Declaration

The lack of implementation of the Convention and recommendations of studies, inquiries and symposium on upholding Indigenous women's rights, and calls for accountability mechanisms are a recurrent finding from United Nations' entities during reviews of, or country visits to, Canada, and from Indigenous women and our organizations, and civil society.³

1. Canada continues to use federalism as an excuse for inaction and a lack of accountability

Canada continues to use federalism and jurisdictional divides between federal, provincial and territorial (FPT) governments as an excuse for inaction and a lack of accountability⁴ – this violates CEDAW Article 2 and General Recommendation 28⁵, and does not respond to the Committee's previous concluding observations.⁶

Responding to Issue 3 (CEDAW/C/CAN/QPR/10; para. 3), Canada explicitly rejects Article 2 and General Recommendation No. 28 by skirting its responsibilities under the premise of federalism.⁷ Violence against Indigenous women is not confined to jurisdictional boundaries – action to address it and to uphold Indigenous women's inherent rights must not be either.

While Canada references four FPT tables/committees, these tables/committees meet infrequently and offer limited engagement with Indigenous women, our organizations, and civil society, lack transparency and accountability, and do not lead to action.⁸

RECOMMENDATION: Co-create a co-ordinated accountability mechanism – across all levels of government and with Indigenous women - with the mandate and resources for implementing and

³ See: [CEDAW/C/OP.8/CAN/1](#), para C.1; [CEDAW/C/CAN/CO/8-9](#); the [Report of the Working Group on the Universal Periodic Review – Canada](#), December 2023, (A/HRC/55/12); the [Report of the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay. Visit to Canada. A/HRC/54/31/Add.2, para. 87.](#)

⁴ Canada consistently and regularly uses federalism as an excuse for inaction. See, Canada's response to recommendations made during its fourth Universal Periodic Review: March 2024, A/HRC/55/12/Add.1

⁵ CEDAW/C/GC/28; paragraph 39 states (emphasis added): "... **The decentralization of power**, through devolution and delegation of Government powers in both unitary and federal States, **does not in any way negate or reduce the direct responsibility of the State party's national or federal Government to fulfil its obligations to all women within its jurisdiction.** In all circumstances, the State party that ratified or acceded to the Convention remains responsible for ensuring full implementation throughout the territories under its jurisdiction"

⁶ See paragraph 9 of the Committee's concluding observations under Canada's 8th and 9th review: CEDAW/C/CAN/CO/8-9, para. 9

⁷ Canada states in its tenth periodic report to CEDAW (emphasis added): "Achieving gender equality and realizing the **commitments under the Convention are not solely the responsibility of the federal government.**" (CEDAW/C/CAN/10, para 19).

⁸ In June 2024, ONWA was invited for the first time by the federal government to attend a meeting of the Continuing Committee of Officials on Human Rights (CCOHR) to discuss an approach related to engagement and United Nations treaty-body related matters. The 3-hour meeting hosted over 300 people and organizations virtually and in person and did not allow sufficient time for engagement. Civil society expressed concerns with a lack of transparency, lack of accountability mechanisms and tracking, the need to enhance connections with provinces/territories, lack of engagement with Indigenous Peoples, and lack of funding to support implementation

monitoring outcomes and recommendations that uphold Indigenous women's rights and safety, and ensure timely, transparent public reporting on progress, and implement the Special Rapporteur on the Rights of Indigenous Peoples' 2023 recommendation and the National Inquiry in MMIWG's Call for Justice 1.7 to set up an independent Indigenous-led human rights mechanism.

Responding to Issue 4 (CEDAW/C/CAN/QPR/10; para. 4), Canada provides high level information on the *Indian Act*. While some of the inequities in the *Indian Act* have been eliminated through the tireless efforts of First Nations women, Canada's piecemeal and litigation driven approach to legislative changes has resulted in residual inequities that continue to negatively impact First Nations women and their families - this continues to violate CEDAW Articles 2 and 9 and UNDRIP. The history of sex discrimination within the *Indian Act* is directly linked to current violence against Indigenous women and girls, as evidenced in the findings of the 2015 CEDAW Inquiry into discrimination against Indigenous women in Canada and the 2016-2019 National Inquiry MMIWG.⁹

ONWA maintains that all Indigenous women have a right to their Indigenous identity, culture, and community, as well as a right to pass on their culture to their children. We have long called for the removal of all discriminatory provisions within the *Indian Act*, as well as addressing residual discrimination in communities that remains a legacy of the colonial governance structure embedded in the Act. While each community is unique, there exists a pattern of discrimination against First Nations women rooted in patriarchal values imposed on them through centuries of colonization. First Nations women have been forced to fight for decades to reclaim their places in society and in their communities as a result.

RECOMMENDATION: Fully eliminate the sex discrimination in the Indian Act as outlined in the Indian Act Sex Discrimination Working Group's Submission to CEDAW for the Review of Canada, October 16, 2024

2. Canada's national machinery is insufficient, lacks transparency and excludes Indigenous women

Responding to Issue 7 (CEDAW/C/CAN/QPR/10; para. 7), Canada provides context on the federal Department for Women and Gender Equality (WAGE)'s structure and financial and technical resources. Canada does not respond to the Committee's request for information on WAGE's authority to coordinate policies across FPT governments, nor does it respond to not-yet-fully-implemented measures taken to address the Committee's previous recommendations. ONWA is particularly concerned with the lack of response to the Committee's previous recommendation related to federal-Indigenous relations (CEDAW/C/CAN/CO/8-9, para. 21 (c)).¹⁰

Indigenous women have inherent leadership rights and have always been leaders in their families, communities, and nations. While colonization and ongoing colonial practices and policies disrupted

⁹ CEDAW/C/OP.8/CAN/1

¹⁰ The Committee's previous recommendation called for Canada to "ensure that indigenous women's organizations are included in the countrywide nation-to-nation relationship in all cases in which issues of relevance to women apply" CEDAW/C/CAN/CO/8-9, para. 21 (c).

Indigenous women's leadership, our right to leadership is inherent and must be upheld – this is affirmed under UNDRIP, CEDAW Convention and guidance provided by CEDAW General Recommendation No. 39.

Canada's Nation-to-Nation/Distinctions-Based policy to Indigenous relations is discriminatory towards Indigenous women, as it excludes Indigenous women, and the agencies we have chosen to represent us, as legitimate and equal partners in decision-making, engagement processes, policy development, program design and funding models on issues that impact our rights and our lives. This is in direct contradiction to UNDRIP Articles 18, 19 and 22¹¹, violates CEDAW Article 2 (b), (c), (d), (e), and Article 7 (c), and the Beijing Declaration and Platform for Action strategic objective G.1, para 190(g).¹² Canada's Nation-to-Nation/Distinctions-Based policy does not align with the current reality of where Indigenous women live and access services, contributing to ongoing service gaps and unmet needs. In Canada 83% of Indigenous peoples and 83% of Indigenous women live "off-reserve" in rural and urban centres and access services from Indigenous organizations in these settings.¹³

Engaging exclusively with national organizations and distinctions-based Indigenous governance organizations excludes the voices and needs of a significant proportion of Indigenous women who do not have a connection to these organizations and/or who live outside of Indigenous governed territory. The continued use of this policy is a propagation of paternalistic (and systemically racist and sexist) tactics that have long contributed to Indigenous women's marginalization and silencing. Without engagement with, and interventions led by and for Indigenous women, Indigenous women will continue to have our safety compromised, experience disproportionate involvement with the child welfare system and overrepresentation in the justice system, and have our social determinants of health impacted. The failure to adopt an approach that is inclusive of Indigenous women is a fundamental barrier to the advancement of human rights in Canada.

RECOMMENDATION: Canada must implement a nation to nation/distinctions-based PLUS policy approach to Indigenous relations.

Canada's response to Issue 7 (CEDAW/C/CAN/QPR/10; para. 7), does not provide information on federal/national approaches to gender budgeting nor consider the intersectional gendered lens required within budgets.¹⁴

Canada's most recent budget commits an additional investment of \$9B in new spending for Indigenous communities over the next five years, which will benefit Indigenous women and families.¹⁵ However, the federal budget does not commit any specific funding to improve Indigenous women's safety or meet our unique needs. In fact, Indigenous women are referenced **only twice** within the budget.

¹¹ See UNDRIP Articles 18, 19, and 22

¹² [Beijing Declaration and Platform for Action strategic objective G.1, para 190\(g\)](#) (A/CONF.177/RES/1 UN): *Encourage greater involvement of indigenous women in decision-making at all levels*

¹³ Statistics Canada. 2022. <https://www150.statcan.gc.ca/n1/daily-quotidien/220921/dq220921a-eng.htm>

¹⁴ Canada notes that "many PT governments are considering gender in budgeting processes and decision making" (para. 55) but does not provide specifics.

¹⁵ <https://budget.canada.ca/2024/report-rapport/budget-2024.pdf>

The federal budget also does not provide funding for Indigenous women's organizations, despite Call for Justice 1.8 and a commitment within the National Action Plan to End GBV to increase sustainable operational/core funding for GBV services.¹⁶ Investments for Indigenous Peoples continue to be primarily distinctions-based, including housing, mental health and research, which excludes Indigenous women who have been displaced from their communities because of patriarchal governance structures and discriminatory Indian Status provisions imposed through the *Indian Act*.

Core sustainable funding for Indigenous women's organizations, is a critical part of upholding Indigenous women's rights, ensuring our safety and wellbeing and building our capacity. Yet, Indigenous women's organizations and other Indigenous organizations working to improve Indigenous women's safety continue to operate with insufficient funding and must continually compete against one another for short-term project-based funding. This competitive process is not reflective of Indigenous worldviews and replicates divisive colonial structures. Indigenous women's lives are not projects, and we cannot create systemic change through project-based funding.

RECOMMENDATION: Canada must provide core, sustainable funding to Indigenous women's organizations to design, implement, and analyze Indigenous led, culturally grounded responses to the key issues we face, and must implement a funding model that represents and best addresses those most at risk of discrimination, gender-based violence and being murdered or disappeared.

3. Canada's extractive industries violate Indigenous women's rights and put our safety at risk

Canada's response to Issue 9 (CEDAW/C/CAN/QPR/10; para. 9) does not address many of the Committee's requests for information on the monitoring of Canadian-based companies operating abroad, including whether Canada's *Impact Assessment Act* (IAA) applies to resource development projects executed abroad by transnational companies that are domiciled in Canada, and action taken to address the Committee's previous recommendations (CEDAW/C/CAN/CO/8-9, para. 19) or those made by the Working Group on the issue of human rights and transnational corporations and other business enterprises (A/HRC/38/48/Add.1).

ONWA remains concerned about the impact of Canadian extractive industries operating both within Canada, and abroad on Indigenous women human rights¹⁷ and land defenders' rights – in violation of CEDAW Articles 2 and 3, and General Recommendation 37, paragraph 51(d) (CEDAW/C/GC/37). There is a direct correlation between the violent victimization of Indigenous women and the socio-economic changes created by the presence of extractive industries in proximity to Indigenous communities.¹⁸

¹⁶ Call for Justice 1.8 states '...Core and sustainable funding, as opposed to program funding, must be provided to national and regional Indigenous women's and 2SLGBTQQIA people's organizations', (<https://www.mmiwg-ffada.ca/final-report/>)

¹⁷ There is a direct correlation between the violent victimization of Indigenous women and the socio-economic changes created by the presence of extractive industries in proximity to Indigenous communities. The Special Rapporteur on the Rights of Indigenous Peoples' 2023 report on his visit to Canada notes: "The extractive industry is ...at the root of conflicts created by the criminalization of Indigenous Peoples defending their lands and resources from companies and governments who support the projects of those companies" (A/HRC/54/31/Add.2, para. 63)

¹⁸ The Special Rapporteur on the Rights of Indigenous Peoples' 2023 report following his visit to Canada notes: "The extractive industry is ...at the root of conflicts created by the criminalization of Indigenous Peoples defending their

Where extractive industries operate, Indigenous women and girls experience higher rates of gender-based violence, including sex trafficking and intimate partner violence.

ONWA stands in solidarity with our global Indigenous sisters who continue to fight courageously against the violations they face at the hands of Canadian extractive industries.¹⁹

RECOMMENDATION: Canada must bolster mechanisms independent from the Government of Canada, like the Canadian Ombudsperson for Responsible Enterprise (CORE)²⁰, and introduce additional effective mechanisms to ensure Canadian extractive industries operating abroad, and within Canada, are held accountable for human rights violations, investigate complaints from Indigenous women human rights and land defenders, facilitate access to justice for Indigenous women, and ensure Indigenous women and their organizations are involved in, consulted on, and consent to decisions which impact our human rights.²¹

Priority Area 2: Canada's response to gender-based violence, and the national crisis of MMIWG is inadequate, further jeopardizing Indigenous women's safety

Several international bodies, including CEDAW²², the Inter-American Commission on Human Rights²³, the Special Rapporteur on the Rights of Indigenous Peoples²⁴ and the Human Rights Council through the

lands and resources from companies and governments who support the projects of those companies" (A/HRC/54/31/Add.2, para. 63)

¹⁹ The Special Rapporteur on the Rights of Indigenous Peoples' 2023 report following his visit to Canada notes: "On several occasions, the Special Rapporteur, along with other mandate holders, has expressed concern regarding human rights abuses against Indigenous Peoples committed by Canadian companies operating abroad. United Nations treaty monitoring bodies have called on Canada to adopt a regulatory framework to hold these transnational corporations accountable for human rights violations and environmental abuses. According to the information received, Canada is home to almost half of the world's publicly listed mining and mineral exploration companies, and 200 Canadian companies are present in 97 foreign countries" (A/HRC/54/31/Add.2, para. 63)

²⁰ In 2019, Canada developed of the Canadian Ombudsperson for Responsible Enterprise (CORE) focused on holding garment, mining, and oil and gas companies accountable for their human rights actions in operations abroad. It is unclear from publicly available information online the extent to which Indigenous women and their organizations have been engaged to inform CORE's mandate.

²¹ In alignment with the Committee's previous recommendations ([CEDAW/C/OP.8/CAN/1](#)) as well as the Special Rapporteur on the Right of Indigenous Peoples' recommendations following his 2023 visit to Canada (A/HRC/54/31/Add.2, para. 96)

²² In 2015, the CEDAW Committee made 38 recommendations to Canada to immediately respond to the MMIWG crisis (CEDAW/C/OP.8/CAN/1)

²³ The Inter-American Commission on Human Rights' report on Missing and Murdered Indigenous women and girls in British Columbia, Canada (OEA/Ser.L/V/II. Doc. 30/14 21 December 2014)

²⁴ In 2013, Canada was called upon by the Special Rapporteur on the Rights of Indigenous Peoples to undertake a comprehensive, nationwide inquiry into the situation of missing and murdered Indigenous women and girls (A/HRC/27/52/Add.2, para. 89.) Ten years later, in his 2023 report on this country visit to Canada, the Special Rapporteur notes the MMIWG genocide is ongoing and that many of the Calls for Justice have not been addressed, despite repeated calls from Indigenous Peoples and Indigenous-led organizations for Canada to address the growing crisis (A/HRC/54/31/Add.2).

Universal Periodic Review process²⁵ have called on Canada to immediately respond to the ongoing MMIWG crisis. Canada's continued inaction is a form of systemic and structural violence against Indigenous women, and violates its obligations under CEDAW Articles 1, 2, paragraphs (c) (d) (e) and (f), 3, and 5 (a), read in conjunction with Articles 14 (1) and 15 (1), of the Convention.²⁶

Violence experienced by Indigenous women is an intersectional issue rooted in colonialism and targeted assimilation policies in Canada, which severed Indigenous women from their identities, cultures, and communities. Direct links have been drawn between the disproportionate rates of violence that Indigenous women continue to face today and the patriarchal policies emerging from colonization that have dismantled Indigenous women's leadership, roles, and responsibilities.

1. Canada has not taken actual substantive action

In 2021, the Government of Canada released a national action plan in response to the findings of the National Inquiry into MMIWG.²⁷ In 2022, the Government of Canada released a 5-year National Action Plan to End Gender-Based Violence, which includes an Indigenous-specific pillar. While Canada "acknowledges that substantial, immediate, and transformational change" is required to end the conditions that perpetuate MMIWG (CEDAW/C/OP.8/CAN/3/Add.1., para.5), acknowledgement is not action. To-date **only two** of 231 Calls for Justice from the National Inquiry into MMIWG are complete, and more than half have not been started.²⁸ Many of the CEDAW Committee's 38 recommendations remain unfulfilled.²⁹ "Family members who have lost loved ones and Indigenous advocates expressed very clearly... that they believe there has been little action compounded by a lack of accountability. They have shared that striking committees does not constitute action. Continuous consultation does not constitute action. Words filled with good intentions do not constitute action."³⁰ As a result, Indigenous women continue to face among the highest rates of violent victimization of all population groups in Canada. Despite this, Canada's inaction persists. The most recent Federal Budget does not reflect an ongoing commitment to the implementation of the MMIWG National Action Plan. Instead of investing in violence

²⁵ Through successive Universal Periodic Review cycles, Member States and the Human Rights Council have repeatedly called upon Canada to address the ongoing violence against Indigenous women and girls - see A/HRC/11/17 Section II, paras 86.15, 86.27, 86.33-6 (5 October 2009); A/HRC/24/11 (28 June 2013); A/HRC/39/11 11 July 2018); A/HRC/39/2, paras 743-789 (16 December 2020); A/HRC/55/12 (19 December 2023).

²⁶ Canada fails to act with due diligence (Article 2 (c), (e)), fails to ensure that Indigenous women are protected against discrimination committed by public institutions (Article 2 (d)) and violates the rights of Indigenous women victims of violence, in particular those victims of murder and disappearance and their family members (articles 1, 2 (c) (d) (e) and (f), 3, and 5 (a)).

²⁷ Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People

²⁸ A Report Card on the MMIWG Inquiry's Calls for Justice. Canadian Broadcast Company (CBC). 2023 (<https://www.cbc.ca/newsinteractives/features/cfj-report-cards>); "Breathing Life into the Calls for Justice": Assembly of First Nations. 2024. <https://afn.bynder.com/m/2ea645db802ef4/original/Breathing-Life-into-the-Calls-for-Justice-A-CFJ-Progress-Report.pdf>

²⁹ CEDAW/C/OP.8/CAN/1

³⁰ Call for Justice 1.7 Final Report <https://www.rcaanc-cirnac.gc.ca/eng/1717103903695/1717103981609>

prevention and community healing to improve Indigenous women's safety, the budget focuses on initiatives that deal with the *aftermath* of the violence.³¹

RECOMMENDATION: Canada must immediately implement the National Action Plan on MMIWG2S, the Calls to Justice that prioritize Indigenous women's safety and healing, and the CEDAW Committee's previous recommendations ([CEDAW/C/OP.8/CAN/1](#)).

2. Canada's MMWIG funding lacks transparency and impact

The 2021 Federal Budget committed \$2.2 Billion over 5 years to addressing and responding to MMIWG. In 2022, ONWA undertook a preliminary analysis to identify where investments into MMIWG from Budget 2021 have been allocated.³² With notable limitations, we found a significant portion of funding (88%) was not going to Indigenous women's organizations, raising concerns of ongoing systemic discrimination against Indigenous women and whether investments are actually improving our safety.³³ Since the National Inquiry into MMIWG, the number of Indigenous women victims of femicide has increased and our safety continues to be impacted.³⁴

Recommendation: Canada must demonstrate accountability to Indigenous women through funding transparency, demonstrating how funding is improving our safety, implementing a funding model that represents and best addresses who is most at risk of gender-based violence and of being murdered or disappeared, and providing core, sustainable funding to Indigenous women's organizations.

³¹ The Federal budget commits funding to the *aftermath* of violence - \$1.3M over three years to implement a Red Dress Alert that notifies the public when an Indigenous woman, girl, or Two Spirit person goes missing; \$20M to search the Prairie Green Landfill for the remains of missing and murdered Indigenous women. To further highlight the lack of investment into Indigenous women's safety, in comparison, the Indigenous Screen Office will receive \$65M in funding over five years through the federal budget, whereas the Red Dress Alert will only receive \$1.3M in funding over *three* years.

³² ONWA's analysis was limited to information readily available through federal announcements (e.g. press releases). Despite repeated requests for information and transparency, the federal government has not publicly released information about funding recipients.). Of the \$2.2 billion committed to Canada's response to MMIWG, we were only able to find information on \$86 million from 3 government departments (CIRNAC, ISC, WAGE), for 6 MMIWG initiatives – this accounts for only 4% of the total funding. Data was analyzed using various lenses, including whether the recipient was: an Indigenous or a non-Indigenous organization; an Indigenous Women's organization or a 2S+ organization or a non-Indigenous women's organization; a political/governance organization (e.g. First Nation, Metis Nation, PTO) or an urban/rural frontline service provider; What province or territory the organization was located in. We further attempted to apply ONWA's Indigenous Gender Based Analysis (IGBA) framework.

³³ Of the \$86.3M that we have been able to track, only 12% of the funding went to Indigenous women's organizations or 2S+ organizations. Comparatively, 61% of the funding went organizations that are not specifically focused on Indigenous women or 2S+ people, and 27% of funding went to non-Indigenous organizations who had partnered with Indigenous organizations.

³⁴ The proportion of femicide victims who are Indigenous in Ontario has steadily increased since the National Inquiry into MMIWG, from 5.4% in 2019-20 to 8.1% in 2022-23 ([OAIH Annual Femicide Lists and Reports](#))

Priority Issue 3: Indigenous women continue to face systemic and intersectional discrimination, sexism and racism

Despite Canada's international treaty obligations, and its commitment to uphold Indigenous women's rights through the *United Nations Declaration on the Rights of Indigenous Peoples Act, 2021*, Indigenous women in Canada do not experience full and equal enjoyment of their human rights.

1. Indigenous women face access barriers to supports and services

Responding to Issue 23 (CEDAW/C/CAN/QPR/10, para. 23), Canada lists several measures taken by FPT government to improve access to employment, health, education, housing, and participation in political and public life (CEDAW/C/CAN/10). The high-level information provided does not address the Committee's previous concerns regarding the lack of a coherent plan or strategy to improve Indigenous women's socioeconomic conditions, combat the root causes of violence, and break the circle of distrust with authorities (CEDAW/C/CAN/CO/8-9, para. 28).

Indigenous women continue to experience barriers to supports and services. Many Indigenous women must leave community and/or their families to access health and healing services, preventing collective family healing and support from community. Consider, for example, the death of Joyce Echaquan, a member of the Atikamekw community of Manawan, at the Joliette Hospital Center in Lanaudière, Quebec, and the death of Heather Winterstein, a First Nations woman, at the St. Catherine's Hospital in St. Catherine's, Ontario – both of whom died in hospital while seeking medical assistance.³⁵

As leaders in community, Indigenous women have built vibrant communities and developed Indigenous women's organizations that provide essential services grounded in Indigenous women's sacred and traditional knowledge, including a culturally-based, trauma-informed approach. Yet, Indigenous women's work continues to be unrecognized and underfunded. Indigenous women often do not have access to comprehensive, wraparound, culturally-grounded supports that are designed, developed, and implemented by and for them, which creates a significant gap to healing. ONWA recognizes that healing takes time and is not a one time "service". Healing is ongoing, and services and supports need to meet Indigenous women where they are at in their healing journeys, not create barriers. Yet, lack of funding to Indigenous women's organizations and jurisdictional disputes between FPT governments contribute to continued gaps in services for Indigenous women living in Indigenous and urban communities.

2. Indigenous women's experiences are different from non-Indigenous women's

Responding to Issue 1 (CEDAW/C/CAN/QPR/10, para 1), Canada provides statistics related to the current situation of women in Canada (INT/CEDAW/ADR/CAN/49094/E; Annex 2). Indigenous women's perspectives and experiences are distinctly absent in this report, effectively silencing and ignoring our lived realities.³⁶ See Appendix for a more accurate depiction.

³⁵ Conseil de la Nation Atikamekw and the Conseil des Atikamekw de Manawan (2020), [Joyce's Principle](#), A brief presented to the Government of Canada and to the Government of Quebec; The Special Rapporteur on the Rights of Indigenous Peoples also highlighted the tragic death of Joyce Echaquan in his [2023 End of Mission Statement](#).

³⁶ For example, there were no statistics specific to Indigenous women related to experiences of poverty, food insecurity, or homelessness. The statistics profile also did not include key factors that Indigenous women are

Indigenous women's experiences of violence and discrimination and the context in which it occurs are different from that of non-Indigenous women. Indigenous women's experiences must be understood through the racism, sexism and discrimination we face both as women and as Indigenous peoples. The violence and discrimination we experience is unique, because it is rooted in the legacy of colonialism and targeted assimilation policies in Canada, as well as systemic racism and the dismissal of our safety. In Canada, colonial state action (and inaction), past and ongoing, is the root cause of discrimination against Indigenous women. Settler colonialism created the conditions for the racism, discrimination and violence that continue to impact Indigenous women and our families. Canada created these systems, and continues to fail to address them, placing the burden on Indigenous women to have to fight for our safety and our lives.

3. Indigenous women lack sufficient access to recourse for violations of their rights

ONWA reiterates the Special Rapporteur on the Rights of Indigenous Peoples' concern with "the devastating intergenerational consequences of decades of mercury contamination on the Grassy Narrows First Nation, which is threatening the community members' health, cultural practices, plant medicine and food security."³⁷ Most Grassy Narrows members have received no compensation for harm caused by the ongoing mercury contamination. The lack of action to remediate mercury contamination and to address its ongoing impacts on the community's health and well-being (including compensation) stands in violation of CEDAW Articles 2 (d), (e), (f), the enjoyment of a range of rights enshrined in the Covenant on Economic, Social and Cultural Rights and UNDRIP.³⁸

RECOMMENDATION: Implement the Special Rapporteur's recommendations to remediate mercury contamination in the Grassy Narrows First Nation and take immediate measures to address its ongoing impacts (A/HRC/54/31/Add.2, para 96 (h)), and halt the criminalization of Indigenous human rights and land defenders (A/HRC/54/31/Add.2, para 96 (k)).

Conclusion

If we are to achieve sustainable change, then we need to deconstruct the current systems that perpetuate violence and discrimination against Indigenous women and reconstruct Indigenous women's leadership, voices, honour and empowerment. Canada has made little progress on implementing the recommendations in the Committee's 2016 Concluding Observations or in responding to the Committee's more recent list of issues. In conducting its review of Canada, ONWA encourages the CEDAW Committee to continue to hold Canada accountable to its treaty obligations and ensure the Convention is implemented alongside the United Nations Declaration on the Rights of Indigenous Peoples. We thank the Committee for its consideration.

impacted by and disadvantaged as a result, including lifetime experience of violence, involvement with child welfare, justice system involvement, impacts from climate change, and discrimination in healthcare.

³⁷ A/HRC/54/31/Add.2, para. 57

³⁸ Committee on Economic, Social and Cultural Rights, general comment No. 26 (2022), para. 5

Appendix 1: Ontario Native Women's Association Membership

Chapters (incorporated Indigenous women's organizations):

1. Tyendinaga Native Women's Association
2. Niagara Chapter-Native Women Inc.
3. Kateri Anishnabekwe Association
4. Hamilton-Wentworth Chapter of Native Women Inc.
5. Kenora Anishinaabe-Kweg Aboriginal Women's Organization
6. Georgian Bay Native Women's Association
7. Orillia Native Women's Group
8. Biminaawzogin Regional Aboriginal Women's Circle
9. Minwaashin Lodge
10. Nijkiwendidaa Anishnaabekwewag Services Circle
11. Nahkendan: Knowing Your Truth
12. Lovesick Lake Native Women's Association
13. Sunset Women's Aboriginal Circle
14. Native Women's Resource Centre of Toronto
15. Beendigen
16. Biidaajiwun Inc.

Councils (grassroots Indigenous women's groups):

1. Mamowedew
2. Mindemoweyag Women's Group
3. Metis Women's Circle
4. Waibejawong Anishnabequek
5. Deshkan Zii Bi Indigenous Women's Association
6. Kingston Thunder Women
7. The Matriarch's
8. Indigenous Women On-Line
9. Rainbow Women
10. Batwating Anishabeqwewok Members
11. Indigenous Women of Niagara
12. All Our Relations
13. Daughters of the Fur Trade
14. Thunder Bay Council
15. Anishnawbequek Timmins
16. Aroland Ladies of 242
17. Constance Lake Anishinawbe Quek
18. Ginoogaming First Nation
19. Grassy Narrows Women's Group
20. New Post Women's Group
21. Rocky Bay Women's Council
22. Wiikwemkoong Anishnawbekwek
23. Wabigoon Aboriginal Women's Group

Appendix 2: Indigenous women and human rights in Canada

Indigenous women in Canada face persistent, systemic discrimination that impact their human rights:

- **Right to adequate standard of living:** Indigenous women have lower median incomes and are more likely than non-Indigenous Canadians to be living in poverty.³⁹
- **Right to safety and to live free from all forms of violence**
 - Indigenous women and girls are 12 times more likely to go missing or be murdered than any other women in Canada.⁴⁰
 - 63% of Indigenous women have experienced violent victimization in their lifetime since age 15 compared to 45% of non-Indigenous women.⁴¹
 - Indigenous women and girls make up 21% of all gender-related homicides of women and girls in Canada, despite comprising only 5% of the female population.⁴²
 - The proportion of femicide victims who are Indigenous in Ontario has steadily increased since the National Inquiry into MMIWG, from 5.4% in 2019-20 to 8.1% in 2022-23.⁴³
- **Right to full, equal and effective participation in decision-making on all matters that affect them**
 - Canada's distinctions-based, nation-to-nation policy for Indigenous relations excludes Indigenous women from decision making on the issues that impact our lives.
- **Right to safe and affordable housing:** Indigenous women are 5 times more likely than non-Indigenous women to experience homelessness.⁴⁴
- **Right to equal access to health services**
 - Fewer Indigenous women compared to non-Indigenous women have access to a regular health care provider.⁴⁵
 - Compared to non-Indigenous women, Indigenous women living off-reserve report:
 - worse physical and mental health, and higher prevalence of chronic diseases.⁴⁶
 - unmet health needs, especially mental health care.⁴⁷
 - Indigenous households in Canada experience prevalence and severity of household food insecurity between 2-6 times greater than those for non-Indigenous households.⁴⁸

³⁹ An update on the socio-economic gaps between Indigenous Peoples and the non-Indigenous population in Canada: [Highlights from the 2021 Census, Statistics Canada](#).

⁴⁰ "Reclaiming Power and Place: The Final Report of the National Inquiry into MMIWG".

⁴¹ "Violent victimization and perceptions of safety: Experiences of First Nations, Métis and Inuit women in Canada", [Statistics Canada. 2022](#).

⁴² Sutton, D. (2023) [Gender-related homicide of women and girls in Canada](#). *The Daily*. Statistics Canada Catalogue no. 85-002-X.

⁴³ [OAIH Annual Femicide Lists and Reports](#).

⁴⁴ "Violent victimization and perceptions of safety: Experiences of First Nations, Métis and Inuit women in Canada", [Statistics Canada. 2022](#).

⁴⁵ Srugo, S.A. et al (2023). Disparities in primary and emergency health care among "off-reserve" Indigenous females compared with non-Indigenous females aged 15–55 years in Canada. *Canadian Medical Association Journal* 2023 August 28;195:E1097-111. doi: 10.1503/cmaj.221407.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Food Security Status of Indigenous Peoples in Canada According to the 4 Pillars of Food Security: A Scoping Review, [National Library of Medicine. 2022](#).

- **Right to live free from all forms of discrimination**
 - Systemic discrimination against Indigenous women in the **criminal justice system**:
 - Although Indigenous women represent only 4% of the adult female population, Indigenous women account for 50% of all federally incarcerated women and 65% of sentenced women in maximum security custodial centres across Canada.⁴⁹
 - Indigenous female youth accounted for 49% of all female youth admitted to provincial and territorial corrections systems in 2021-22.⁵⁰
 - Systemic discrimination against Indigenous women in the **child welfare system**:
 - Indigenous children account for 53.8% of children in foster care despite representing only 7.7% of the child population.⁵¹
 - Systemic discrimination against Indigenous women in the **labour market**:
 - The gender wage gap for Indigenous women is more than two times the wage gap for Canadian born women – Indigenous women earn 20% less than Canadian-born men, compared to Canadian-born women who earn 9.2% less.⁵²

⁴⁹ ["Parliamentary Committee Notes: Overrepresentation \(Indigenous Offenders\)"](#), Public Safety Canada. 2023.

⁵⁰ Statistics Canada. (2023). Table: 35-10-0007-01 Youth admissions to correctional services, by Indigenous identity and sex.

⁵¹ ["Reducing the number of Indigenous children in care"](#), First Nations Child and Family Services, Government of Canada.

⁵² ["Intersectional perspective on the Canadian gender wage gap"](#), Statistics Canada. 2023.