DEMANDING JUSTICE AND FULFILLING RIGHTS: A STRATEGY TO END VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS

DRAFT - FOR DISCUSSION & INPUT

BACKGROUND

There is an immediate and pressing need to seek justice for Indigenous women and girls in Canada and ensure that they have the same opportunities to see the fulfillment of their rights, regardless of where they reside. The Assembly of First Nations (AFN) is well aware of the unacceptable levels of violence against Indigenous women and girls and is committed to action. It is essential that any strategy developed must include justice for women and girls who are or have been victims of violence, changes to laws and policies that allow these problems to persist, the assurance of adequate support services and a fundamental societal shift that will no longer allow epidemic levels of violence against Indigenous women and girls to continue.

The AFN is the national political organization representing First Nation citizens in Canada. This includes more than 800,000 citizens living in 633 First Nation communities, as well as remote, rural and urban areas. The AFN is an advocacy organization for First Nations which advances First Nation priorities and objectives as mandated by the Chiefs-in-Assembly.

Through resolution and the direction of First Nations, the AFN has been mandated to address the critical situation of violence, disappearance, and murder of countless First Nations women and girls.

CONTEXT

Indigenous women and girls are five times more likely to experience violence than any other population in Canada. The numbers of missing and murdered Indigenous women are staggering and increasing every year. In the past, no reliable statistics have been available, and it is through the efforts of the Native Women’s Association of Canada (NWAC) that a picture has emerged of the magnitude of this problem. Based on their concerted research, NWAC estimates that roughly 600 Indigenous women and girls in Canada have gone missing or have been murdered over the last two decades. The majority of these cases remain unsolved.
Through their research, NWAC has sought to create greater awareness of violence against First Nations women, as well as broaden the conversation and research from a focus on *domestic and family related violence* to examine broader, societal forces. “The initial research question of the initiative boldly challenged the context in which violence impacts Aboriginal women in that it asked specifically: What are the circumstances, root causes and trends leading to racialized, sexualized violence against Aboriginal women in Canada?”¹

**HOW WE GOT HERE**

A number of historical, socio-economic and legal realities have come together to generate the conditions that allow violence against Indigenous women and girls to persist.

Indigenous women have always held leadership roles within their respective 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 deal with violence in a way that continued to support families and the community. However, these traditional systems have been eroded over time due to the imposition of foreign governance and justice systems, federal government interference, legislation and policies – reaching far back to the development of Canada and continue to today. Key among these is displacement of Indigenous peoples and dispossession of our lands, breaking up families by targeting children through the Indian Residential Schools and the broken child welfare system and the discrimination, assimilation and enfranchisement of Indigenous women through registration provisions of the *Indian Act*.

As a result, Indigenous women and girls have been pushed to the margins more so than non-Indigenous counterparts, especially within urban settings. The high rates of First Nation children in state care (8 times that of non-First Nation children) and chronic underfunding of First Nation child welfare services introduces additional vulnerabilities to violence. In addition, women and girls often face economic and educational disadvantages which make them vulnerable to violence. 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 police and media attention. Consequently, the violence that they experience has become normalized and, in some cases, almost expected.

¹ 2010, Native Women’s Association of Canada. What Their Stories Tell Us: Research findings from the Sisters In Spirit initiative.
The safety and wellbeing of Indigenous women and girls is integral to ensuring healthy and prosperous Indigenous families, communities and nations. Clearly, the factors that have led to the current rates of violence against Indigenous women and girls are complex and intersecting. Therefore, our responses must be similarly comprehensive and far-reaching. The section that follows details work that has already taken place on this issue. Examining this work will help chart a path forward aimed at concrete action.

PREVIOUS, CURRENT AND ONGOING EFFORTS

Numerous justice inquiries, task forces, studies and federal/provincial/territorial working groups have generated hundreds of recommendations for governments, service providers, communities, law enforcement and the judiciary to prevent violence and better address violence once it occurs. However, chronic and systemic issues have hindered the prioritization and implementation of these recommendations.

Broad priority areas of recommendation from these initiatives include:

- Examining the entire spectrum of economic, social, political, cultural, and civil rights that are available to Indigenous women and girls in Canada and how those rights manifest within their daily lives.
- Better inter-jurisdictional communication and coordination between emergency response and law enforcement organizations as well as between the federal and provincial/territorial governments.
- Improving police treatment, response and investigation of incidences and reports of violence, disappearance, or murder of indigenous women and girls.
- Providing appropriate shelters, emergency interventions, and safe housing for women and children at risk of or experiencing violence.
- Clear protections and safeguards for the most vulnerable, including sex trade workers and children in the child welfare system.
- Call for a comprehensive national inquiry or royal commission into the systemic and specific incidences of violence against indigenous women and girls.

It is time to move from recommendations to action.

In 2010, Canada announced that $10 million would be allocated over two years to address violence against Indigenous women in Canada. The majority of these funds were targeted at existing police services to improve investigations, databases, and victim services, however very little was identified for community based interventions to combat violence and better serve indigenous women and girls in their communities. The history of federal interventions on First Nation issues has demonstrated that efficient and effective intervention strategies must be community based.

No sustained efforts have been made to address the severe lack of coordination and collaboration between federal, provincial/territorial, municipal, and First Nation jurisdictions to combat and end violence against indigenous women and girls.
In addition, Canada has signed on to a number of international instruments that compel the government to uphold certain standards with regards to the protection of Indigenous women and girls. These include the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Given Canada’s inaction in the face of ongoing violence against Indigenous women and girls, ongoing efforts are being made at the international level to raise awareness and compel action.

At the 2010 UN Permanent Forum on Indigenous Issues (UNPFII), National Chief Atleo urged the Special Rapporteur to investigate Canada’s response to missing and murdered Indigenous women. In January 2012, the UNPFII held an International Expert Group Meeting on combating violence against indigenous women and girls: article 22 of the UNDRIP.

Further to these efforts, in May 2012 the AFN, along with the Native Women’s Association of Canada, Chiefs of Ontario, National Association of Friendship Centres, Canadian Feminist Alliance for International Action, Canadian Association of Elizabeth Fry Societies, Canadian Friends Service Committee (Quakers), Grand Council of the Crees (Eeyou Istchee), and Amnesty International made the following recommendations in a joint statement to the UNPFII:

1. All States, including Canada, need to develop and implement a comprehensive national plan of action to address social and economic conditions: and immediately develop and implement a national strategy to address the disadvantaged social and economic conditions of Aboriginal women and girls, including poverty, inadequate housing, low educational attainment, inadequate child welfare policies, and over-criminalization.

2. Canada should initiate an inquiry into the disappearances and murders of Aboriginal women and girls throughout the country that will lead to the design of 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 Aboriginal people can meaningfully participate in the process.

3. Canada is urged to cooperate with the Committee on the Elimination of Discrimination Against Women in an inquiry under Article 8 of the Optional Protocol 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 restore the traditional general roles and responsibilities of women in Indigenous Nations.

5. Canada needs to establish a federal mechanism for investigations into misconduct and discrimination within the criminal justice system and police forces and Canada’s Department of Justice needs to establish a mechanism for investigating allegations of misconduct or discrimination within the federal, provincial or territorial components of the criminal justice system, and holding accountable those entities who commit acts of misconduct or discrimination.

There are new efforts to improve tracking of missing persons cases and the RCMP will now attempt to record the Aboriginal identity of murdered and missing persons to provide better information in the future.

EFFORTS TO DEVELOP AN AFN ACTION PLAN

The best and most successful efforts to prevent and end violence against Indigenous women and girls are grounded in communities and respect the jurisdiction of First Nation governments. Communities are best able to coordinate, support and mobilize the right people, including leadership, frontline workers, volunteers, families, youth, service providers and external supports to create safer homes and communities.

In February 2012, the AFN convened a National Justice Forum to bring together First Nation leadership, citizens, community justice workers, activists and Elders, alongside federal and provincial policy makers and police representatives. Among other priorities related to justice, this gathering was an opportunity to foster dialogue and seek input on an action plan intended to build on tools and partnerships to create and sustain safe and secure communities.

To build on the experiences and insight of participants, the AFN posed a number of questions to guide the development of a strategy. The results of these questions reaffirmed the recommendations of previous initiatives that have been mentioned above. Namely, any strategy that was developed should include:

Awareness
• Greater understanding and public education on First Nation realities and experiences that have led to both victimization and violence.
• Underlying causes such as the on-going and residual trauma from Residential Schools, child welfare system and addictions.
• Need to support sharing of information and culture with agencies, police, lawyers, and social workers.
Outreach

- Information and outreach on violence prevention and available resources such as shelters.
- Respectful relationships with police to proactively work with communities and First Nation citizens to ensure they are supported, protected and feel comfortable reporting crime.
- Support collaborative approaches to policing and sentencing that recognize the community and family roles of both victims and offenders.

Funding

- Adequate funding for services and emergency and second stage shelters in First Nation communities as well as rural and urban areas.
- Economic security and access to housing for women and children provides greater safety and autonomy, including the ability to make choices that will take them away from violent situations.

Support

- Resource people are needed in communities – family violence workers, counselors, social supports and adequate funding and capacity are required.
- Adults need to model and live respectful relationships and engage in their own healing in order to show children and youth how to live without violence.
- Support mechanisms and inventions needed for the families of women at high risk of violence.

Cultural Connections

- Attention and focus is required for youth, including support to develop self-respect and respect for others and ensure access to traditional teachings and parenting role models, using tools such as sports.
- Need to ensure women and girls have political, economic and social power, and that traditional roles are restored.
- Systems and supports need to reflect First Nation cultures and teachings – and ensure Elders are supported and integrated into solutions.

Accountability

- Call for a Royal Commission to investigate incidences of violence against Indigenous women and girls, including the high rates of missing and murdered women.
- Need to find a way for provincial systems to be more accountable to First Nations.
- All leaders – elected and hereditary chiefs, councils, headmen, house leaders, matriarchs – must take clear accountability for preventing and addressing violence, including direct intervention.
TOWARDS A NATIONAL STRATEGY

The AFN carries out its mandate to advocate and take action on issues as directed by First Nations through the following key functions:

- Communications & Information Sharing
- Parliamentary, intergovernmental, International advocacy and partnerships
- Undertaking policy research & development
- Facilitating dialogue and consensus building

Accordingly, activities are identified in each of these areas:

COMMUNICATIONS & INFORMATION SHARING

1) Launch an advocacy campaign, featuring the AFN Executive and Chiefs who personally commit to respect Indigenous women and girls. This will include:
   - Chiefs’ Declaration to be Violence Free at the 2012 AGA
   - Post the Declaration online and provide opportunity for individuals to endorse
   - Dedicate a website & launch of a social media campaign
   - Identify Indigenous and non-Indigenous Violence-Free Ambassadors to spread the message

2) Work with partners currently undertaking anti-violence work to enhance awareness among First Nation citizens on available opportunities, protections, services, funding and supports.

3) Connect with and support partners that have started campaigns and gatherings to stop violence against Indigenous women and girls, including those that support the healing of men.

4) Showcase and celebrate Indigenous success stories.

PARLIAMENTARY, INTERGOVERNMENTAL, INTERNATIONAL & CROSS-SECTOR ADVOCACY PARTNERSHIPS

1) Continue the call for a Royal Commission to investigate the high rates of violence against indigenous women and girls and the systemic and underlying causes.

2) Outreach to decision-makers, parliamentarians and public officials to inform them on the facts and statistics and provide recommendations for action.

3) Liaise with and outreach to Indigenous communities and organizations in other countries, particularly, the United States, to develop protocols and share resources and best practices.

4) Advocate for change with International bodies, such as the Committee for the Elimination of Discrimination Against Women (CEDAW), the Committee for the Elimination of Racial Discrimination (CERD), and the United Nations Permanent Forum on Indigenous Peoples, Permanent Missions and Embassies.
5) Optimize Provincial & Territorial forums (Council of the Federation, Aboriginal Affairs Ministers Working Group, FPT Ministers of Justice) to encourage continued attention and action across jurisdictions.

POLICY RESEARCH & DEVELOPMENT
1) Conduct a comprehensive review of previous recommendations from inquiries, research, and regional initiatives to ascertain what has been accomplished and what remains to be done and responses/compliance in achieving these to support continued advocacy.
2) Work with First Nations and researchers to identify existing data sets, measures and indicators and establish benchmarks and goals with specific time frames to measure progress.
3) Pursue policy principles that ensure that Indigenous women and girls have a role in decision-making and policy/strategy development.
4) Seek research partners who are interested in developing profiles of men who target Indigenous women and girls - specifically, those who have abducted, harmed or murdered Indigenous women or girls.
5) Increase advocacy on critical resource supports, such as income assistance, child and family services, shelters and housing.

FACILITATING DIALOGUE
1) Encourage full, regular and active dialogues with networks with service organizations, First Nations, Provinces & Territories and civil society justice and human rights organizations.
2) Examine current practices and protocols with policing and correctional services, and recommend areas for renewed efforts or change.
3) Work with correctional services on appropriate programming and services for inmates to address and prevent violence.