

SUBMISSION BY CANADA

INTERNATIONAL EXPERT GROUP MEETING ON
“COMBATING VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS: ARTICLE
22 OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS
PEOPLES”

UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES

New York
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The Government of Canada welcomes the opportunity to contribute to the work of the United Nations Permanent Forum on Indigenous Issues in the context of its Expert Group Meeting on “Combating violence against Indigenous women and girls: article 22 of the United Nations Declaration on the Rights of Indigenous Peoples”. Canada strongly supports the work of the Permanent Forum, the Human Rights Council, the Committee on the Elimination of Discrimination against Women, and the Commission on the Status of Women to intensify efforts to address violence against women and girls, including those from Indigenous communities.

The Government of Canada recognizes that many of the challenges facing Aboriginal peoples, including Aboriginal women, are long-standing, multi-faceted and complex and that any proposed solution must correspond well to these challenges. The Government of Canada is making efforts to address these challenges through initiatives in key areas such as: education; reconciliation, governance and self-government; economic development; empowering citizens and protecting the vulnerable; and resolution of land issues.

This submission provides a summary of the recent and current initiatives undertaken by Canada that address the issue of violence against Aboriginal women and girls.

As noted in the 2011 Speech from the Throne, the Government of Canada is committed to protect the personal safety of Canadian citizens, including through new comprehensive law-and-order legislation, continuing efforts to protect the most vulnerable and prevent crime, and addressing the problem of violence against women and girls.

To this end, the Government of Canada continues to work in partnership with provincial and territorial governments, Aboriginal peoples, and other stakeholders to develop effective and appropriate solutions. These solutions cut across many different sectors, including the justice system, public safety, policing, gender issues, women’s rights and Aboriginal affairs.

Investigation and prosecution of cases and measures to address root causes of violence against Aboriginal women

Canada is deeply concerned about the disturbingly high number of missing and murdered Aboriginal women and girls. Canada has undertaken several initiatives and a number of measures have been implemented at different levels of government. For example, governments are addressing the issue through a number of approaches, including the creation of several provincial task forces to investigate cases of missing and murdered women, including the Manitoba Integrated Task Force, Project E-PANA (Northern District and Centre region of British Columbia), Project Even-Handed (Vancouver) and Project KARE (Edmonton). The Government of Canada and the provincial and territorial governments – which are primarily responsible for policing – continue to work with each other and with Aboriginal peoples and other stakeholders to

develop more effective and appropriate solutions and to mount collaborative responses to this pressing matter.

On October 29, 2010, the Government of Canada announced an investment of \$10 million over two years to improve community safety and to ensure that the justice system and law enforcement agencies can better respond to cases of missing and murdered Aboriginal women. The Government of Canada is providing new tools for law enforcement and is improving the justice system and victims' services through the following seven initiatives:

- The Royal Canadian Mounted Police is establishing a National Police Support Centre for Missing Persons, including one resource, linked to National Aboriginal Policing Services, specifically dedicated to the issue of missing and murdered Aboriginal women; enhancing the Canadian Police Information Centre to capture additional missing persons data; creating a national registry for missing persons and unidentified remains so police have more comprehensive information on missing persons across jurisdictions; and creating a national website to encourage the public to provide tips and information on missing persons cases and unidentified human remains.
- The Government of Canada's Department of Justice Canada will introduce amendments to the *Criminal Code* to streamline the application process when specific court orders or warrants need to be issued in relation to an investigation for which a judge has given a wiretap authorization. Currently, a law enforcement officer may make multiple appearances before different judges to obtain authority to use these related investigative techniques. This amendment will improve the efficiency of investigations into serious crimes, including those that involve missing and murdered Aboriginal women. Other amendments will be proposed to section 184.4 of the *Criminal Code*, which provides authority for wiretapping without a warrant in emergencies (exigent circumstances). These circumstances can include murder or kidnapping investigations relating to missing and murdered Aboriginal women. The amendments being proposed would enhance privacy safeguards by, among other things, adding notification and reporting requirements to section 184.4. The notification amendment would require notice to be given in writing to persons who were the object of an interception under this provision. The reporting amendment would require an annual report to be prepared on the use of electronic surveillance under this provision.
- The Department of Justice Canada is supporting the development of school- and community-based pilot projects to help heal, move forward and provide alternatives to high-risk behaviour for young Aboriginal women, including young offenders. The overall goal of the initiative is to reduce the vulnerability of young Aboriginal women to violence.

- Funds have been added to the Department of Justice Canada's Victims Fund to help the western provinces develop or adapt victim services for Aboriginal peoples and specific culturally sensitive victim services for families of missing and murdered Aboriginal women. Additional investments in the Victims Fund have also been made available to Aboriginal community groups to respond to the unique issues faced by the families of missing or murdered Aboriginal women at the community level.
- In 2010-2011, the Justice Partnership and Innovation Fund supported the development of materials for the public on the importance of breaking intergenerational cycles of violence and abuse that threaten Aboriginal communities across Canada. This funding was available to Aboriginal organizations and Public Legal Education groups working with Aboriginal groups.
- The Department of Justice Canada is also investing in the development of a national compendium of promising practices in the area of law enforcement and the justice system to help Aboriginal communities and groups improve the safety of Aboriginal women across the country. These "best practices" will be identified in a number of fields: law enforcement; victim services; Aboriginal community development; and violence reduction.
- The Department of Public Safety Canada is providing support to develop community safety plans to improve the safety of Aboriginal women within Aboriginal communities. The plans are being developed by Aboriginal communities with the support of the Government of Canada to improve community safety and wellness. The information gathered from this process will help the Government improve its programs and services and better respond to community issues.

More recently, in February 2011, the Government of Canada, through Status of Women Canada, approved funding to the Native Women's Association of Canada for a project titled *Evidence to Action II (ETA II)*. The goal of this 36-month project is to reduce the levels of violence experienced by Aboriginal women and girls in communities across Canada. Building on previous work, the project will work to strengthen the ability of communities, governments, educators (including those working with the Canadian Police College, post-secondary institutions, and educators of elementary and high school students) and service providers to respond to issues that relate to the root causes of violence against Aboriginal women and girls. This will be achieved by education, developing community-based resources and engaging communities, emphasizing awareness, prevention and responsiveness. The project will reach out to new audiences and those working to end violence against Aboriginal women through community engagement workshops, and will test and share a community resource guide with Aboriginal women, service providers, police and justice officials and leaders in communities.

These specific initiatives build on the ongoing Government of Canada investments dedicated to addressing the needs of Aboriginal peoples and communities in the areas of on-reserve living conditions; poverty, unemployment and dependence on social assistance; literacy, skills and education; physical and mental health; interactions with law enforcement and the justice system; and the ongoing legacy of residential schools. Together, they can contribute to reducing the risk of violence for Aboriginal women.

Some of these wider investments are listed at: www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc_32565.html. In addition, further detail on programs and services in key priority areas is provided in Canada's annual Sustaining Momentum report, a copy of which can be located at: www.aadnc-andc.gc.ca/eng/1315228813855.

Research, analysis and awareness

The issue of violence against Aboriginal women has also been highlighted by Canada's House Standing Committee on the Status of Women final report titled: *Ending Violence Against Aboriginal Women and Girls: Empowerment – A New Beginning*, tabled on December 15, 2011. The report is based on a study tour that was conducted by committee members from April 2010 to February 2011, in which members travelled across Canada to hear directly from Aboriginal women and Aboriginal organizations. This report focusses on solutions to empower Aboriginal women and girls with the goal of reducing violence, victimization and poverty. The final report may be accessed at the following:

www.parl.gc.ca/Content/HOC/Committee/411/FEWO/Reports/RP5322860/411_FEWO_Rpt01_PDF/411_FEWo_Rpt01-e.pdf

In June 2011, the Government of Canada supported the Government of British Columbia by providing funding to the Ministry of Aboriginal Relations and Reconciliation to co-host with the Native Women's Association of Canada, the National Aboriginal Women's Forum, "Collaboration to End Violence." The Forum looked at leading practices to address socio-economic conditions that increase the risk that Aboriginal women and girls will experience violence, including missing and murdered women.

As evidenced in the final report on the recommendations, released in September 2011, there are many important initiatives across the country that support prevention, intervention and post-incident activities. The report may be accessed at: www.gov.bc.ca/arr/reports/down/bc_marr_reports_compiled_july_27_2011_w_dig.pdf

In August 2010, the Province of British Columbia's Vancouver Police Department released a report *Missing Women: Investigation Review*, which provides a critical analysis of the investigation into the disappearances of numerous sex trade workers (many of which were Aboriginal) between the late 1990s and 2002. Following the release, the Government of British Columbia announced that a public inquiry would be held into the investigation and events leading up to the arrest and conviction of a serial killer and a broader examination of the manner in which cases involving missing women are investigated. The report of the Commissioner is to be submitted to the Attorney General of British Columbia by June 30, 2012.

Other preventive measures

Through the Urban Aboriginal Strategy (UAS), the Government of Canada made a long-term commitment on urban Aboriginal issues for over five years to promote self-reliance and enable greater economic participation of urban Aboriginal peoples. Since 2007, partnerships with key federal departments, provinces, municipalities and local Aboriginal organizations have led to more than 140 projects that support Aboriginal women, children and families. These projects address a wide range of issues such as health, housing, life skills and violence against women. To address violence against women, the UAS has contributed to over 20 projects which provided: employment and skills training; counselling services; emergency shelter and shelter transition services; outreach to support victims of sexual exploitation and gang involvement; and, improved relations between communities and police services. Together, these projects are aimed at addressing some of the factors that may contribute to the higher incidence of violence against vulnerable and marginalized women.

Currently, the federal government provides approximately \$30 million annually in funding to assist First Nations to operate 41 family violence shelters, including five new shelters in Ontario, Quebec, Alberta, British Columbia, and Manitoba and prevention activities to enhance the safety and security of First Nation women, children and families on reserves. In 2010-2011, approximately 3,143 women and 2,890 children accessed family violence shelter services and 270 community-based prevention projects were supported.

Complimentary to that, Canada is actively pursuing collaboration with First Nation and other government partners to enhance programs and services available to First Nations families. The First Nations Child and Family Services Program is being transitioned to an Enhanced Prevention Focused Approach to funding child and family services on reserve on a jurisdiction by jurisdiction basis. The new approach provides funding for increased prevention activities and services, and improves overall outcomes for children and their families.

The Government of Canada has developed a Federal Framework for Aboriginal Economic Development, which offers a modern and comprehensive approach to ensuring that First Nations, Inuit and Métis men and women in Canada have every opportunity to share in Canada's economic opportunities and prosperity. Throughout the development and implementation of the Framework, the Government of Canada has recognized the importance of ensuring that economic development strategies and programs meet the needs of both Aboriginal women and Aboriginal men, and has conducted significant outreach with stakeholders in this regard. Engagement sessions with key national Aboriginal organizations helped identify strategies to ensure that women and men benefit from the implementation of the Framework. As such, in October 2010, the Government of Canada announced investments to develop and implement pilot projects that will provide Aboriginal women entrepreneurs with financial literacy training along with access to business development tools and capital to help them establish and run viable, sustainable businesses.

Women's participation in the economy is a key driver of economic growth and development, and an important factor in translating that economic development into poverty reduction and other socio-economic benefits. These initiatives will help to address some of the key barriers currently limiting the participation of Aboriginal women in the Canadian economy.

It is well documented that educational attainment is an important socio-economic determinant of employment and education outcomes, and decreases the occurrence of violence. The Government of Canada believes First Nation students deserve an education that not only encourages them to stay in school, but will also see them graduate with the skills they need to enter the labour market successfully and share fully in Canada's economic opportunities. In 2008-2009, according to the National Post-Secondary Education Database, almost 22,000 First Nations and Inuit students received funding from the Government of Canada to help cover tuition and related expenses associated with attending college or university; 70 percent of them were women.

Furthermore, the Government of Canada announced in Budget 2010 the intent to work with First Nation groups and other partners to develop options, including legislation, to improve the governance framework and clarify accountability with respect to elementary and secondary education for First Nation students on reserves. On June 21, 2011, the National Chief of the Assembly of First Nations Shawn Atleo and the Minister of Aboriginal Affairs and Northern Development John Duncan launched an independent National Panel to lead an engagement process involving multiple activities such as roundtables, meetings, web-based online engagement, as well as a marketing and outreach plan.

The National Panel has engaged broadly with First Nation partners, provinces, territories, parents and students as well as key members of the general population and will deliver its independent report on options, including legislation, to improve education outcomes for on-reserve First Nation students on reserve in 2012. The report will be delivered simultaneously to the National Chief of the Assembly of First Nations and the Minister of Aboriginal Affairs and Northern Development.

Legislative Measures

In addition to these initiatives, the Government of Canada has also taken legislative measures that can help to further efforts to address violence. These include:

- Recent amendments to the *Canadian Human Rights Act*, which will now allow the Canadian Human Rights Commission to accept complaints regarding actions or decisions under the *Indian Act*. This includes decisions or actions by the Government of Canada, as well as Band Councils.
- The *Gender Equity in Indian Registration Act*, which came into effect on January 31, 2011, will ensure that eligible grand-children of women who lost Status as a result of marrying non-Indian men will become entitled to registration (Indian Status). Because of this legislation, approximately 45,000 persons will become newly entitled to registration.
- On September 28, 2011, the proposed Family Homes on Reserves and Matrimonial Interests or Rights Act was introduced in the Senate of Canada. The bill was passed, as amended, by the Senate on December 1, 2011 and received first reading in the House of Commons on December 8, 2011. It is currently awaiting debate at second reading. The proposed legislation is key in addressing violence against Aboriginal women and their children living on reserves in instances of family violence through provisions for emergency protection orders that provide temporary exclusive occupation of the family home.

Conclusion

While there still remains important work to be done, and equality has yet to be achieved, the United Nations' efforts on the issue of ending persistent gender-based violence and discrimination are an important contribution. Canada believes that taking active measures, including involving men and boys, to improve the status of women and girls, particularly with respect to safety, economic well-being and status in society is key to addressing the various types of violence against Indigenous women.