



**Coordinated and Urgent
Action to End Violence Against
Indigenous Women & Girls –
Towards a National Action Plan**

November 1, 2012



The Assembly of First Nations (AFN) is the national organization for First Nations peoples in Canada. This includes more than 800,000 citizens living in 633 First Nations communities, as well as rural and urban areas. The AFN is an advocacy organization for First Nations which advances First Nation priorities and objectives as mandated by First Nations through the Chiefs-in-Assembly. This includes providing an organizing and coordinating role, legal and policy analysis, communicating with governments and the general public, facilitating national and regional discussions and facilitating relationship-building between the Crown and First Nations. 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 Indigenous women and girls.

BACKGROUND

Historical, Political and Socio-Economic Context

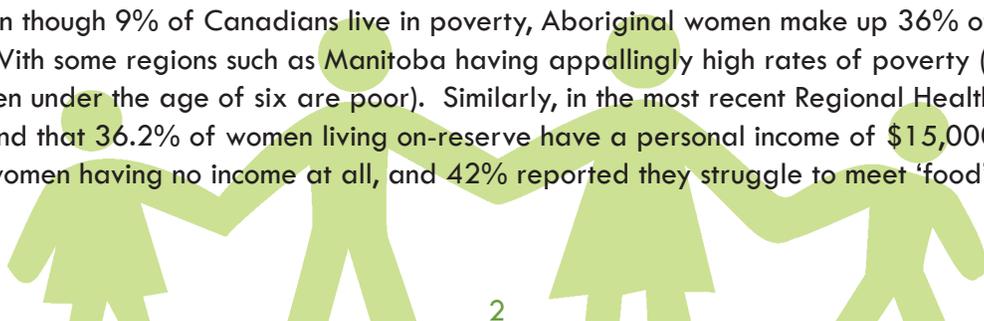
While there are many different ways Indigenous communities organized and governed themselves pre-contact, their laws, traditions and customs established that Indigenous women generally exercised leadership roles within their families and societies. Their participation was central to the safety and security 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, socio-economic and legal realities have come together to generate the conditions that disempowered, marginalized and allows violence against Indigenous women and girls to persist.

For Indigenous women, European economic and cultural expansion was especially destructive, as their valued position as equal partners in tribal society was undermined altogether. 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 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 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 poor and vulnerable to violence.

For example, even though 9% of Canadians live in poverty, Aboriginal women make up 36% of those who live in poverty. With some regions such as Manitoba having appallingly high rates of poverty (almost 70% of Aboriginal children under the age of six are poor). Similarly, in the most recent Regional Health Survey (2008-2010), it was found that 36.2% of women living on-reserve have a personal income of \$15,000 or less, with an overall 10% of women having no income at all, and 42% reported they struggle to meet 'food' as a basic need.





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.

Current Status on Violence Against Indigenous Women and Girls

The Native Women’s Association of Canada estimates that around 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, arguably, the justice system is allowing this violence to persist. There have been many reports of Canadian law enforcement services across the country displaying apathetic attitude towards reports of missing or murdered Indigenous women.

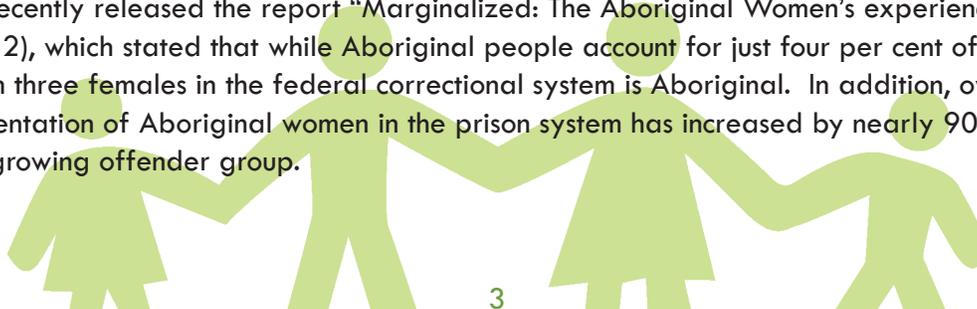
In 2010, Canada announced a \$10 million fund to address Violence Against Aboriginal Women. The majority of funds are targeted at existing police services to improve investigations, database, wiretapping and victim services with very little targeted to community based interventions that could better 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 British Columbia government 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 into 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 the safety and security of Indigenous women and girls.

Overrepresentation of Indigenous Women in 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 stated that while Aboriginal people account for just four 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 is the result of a complex set of collective and individual life circumstances marked with violence and poverty. Consequently, upon entering federal correctional institutions, many Aboriginal women present with a range of programming 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 programs 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. Thus, this lengthy waiting period provides another opportunity for violence to further perpetuate.

Given that Aboriginal peoples are the fastest-growing population within Canada and that the projected demographics indicate that the over-representation of Aboriginal peoples in the criminal justice system will only 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' over-representation 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.

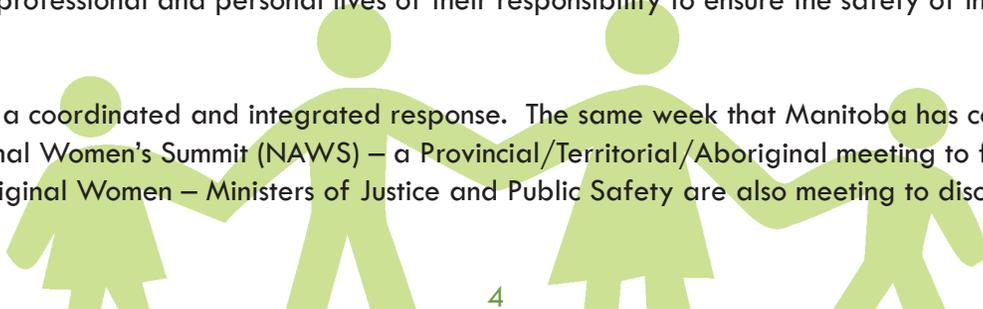
WAY FORWARD

There is no question that immediate and sustained actions are needed. The safety and well-being 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 multi-jurisdictional nature of the Canadian Federation reinforces that it is the **responsibility of all jurisdictions** to take the steps needed to eliminate the violence perpetrated against Indigenous girls and women within Canada.

At the AFN's July 2012 Annual General Assembly over 1300 First Nation citizens, leaders, Elders, women and youth, pledged to live violence free and to personally work to achieve safety and security for all Indigenous citizens – women and men, boys and girls. At the Council of the Federation, Premiers took up this pledge as a reminder in their professional and personal lives of their responsibility to ensure the safety of Indigenous women and girls.

There is need for a coordinated and integrated response. The same week that Manitoba has convened the National Aboriginal Women's Summit (NAWS) – a Provincial/Territorial/Aboriginal meeting to focus on murdered and missing Aboriginal Women – Ministers of Justice and Public Safety are also meeting to discuss plans to





address missing and murdered Aboriginal women. These conversations need to stop occurring in isolation – and need to be strengthened by the inclusion of voices of Indigenous women’s leadership, elected leaders and community members. Manitoba First Nations leadership have convened a shadow event to bring the voices of Indigenous women to the NAWIS dialogue. Indigenous leadership and community representatives need a voice in the planning and actions forward of jurisdictions and with Ministers of Justice and Public Safety as well as Ministers of Aboriginal Affairs.

The Assembly of First Nations recommends that an inclusive, outcome oriented inter-governmental mechanism be created, inclusive of Indigenous women and girls, elected leadership and federal and provincial Ministers, to develop a comprehensive action and implementation plan to address the high incidences of violence against Indigenous peoples.

Efforts to prevent and end violence against Indigenous women and girls must be 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 foster safer homes and families.

However such efforts must be supported with clear capacity – capacity in the form of recognition and support of First Nations’ jurisdiction over justice systems, institutions and law-making, according to the direction of their citizens; and capacity in the form of clear support for First Nations to design and deliver programs, services and supports aimed at restoring harmony, balance and wellness in communities.

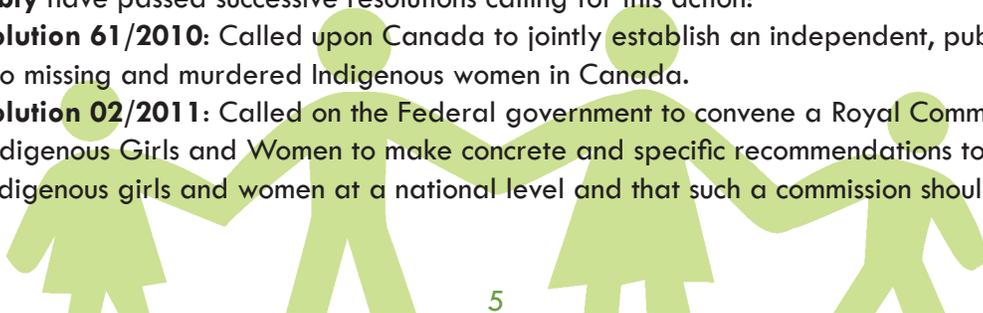
All jurisdictions have a responsibility to work with First Nations from a foundation of support and respect for First Nations’ jurisdiction. This includes moving to equitable and sustainable transfers in all matters – including the administration of justice and policing. The Assembly of First Nations also recommends that provincial, territorial and federal governments broadly pursue relationship and policy principles that restore the role of Indigenous women and girls in decision-making and policy/strategy development in order to reduce the social and economic circumstances that place Indigenous women and girls in situations of increased vulnerability.

First Nation leadership, Indigenous women’s organizations and social justice organizations have long called for increased national attention and focus on this issue, in the form of an independent and inclusive **National Public Commission of Inquiry on Violence Against Indigenous Women and Girls.**

For example, the **Native Women’s Association of Canada** has called for a National Inquiry that can effectively examine violence against Aboriginal women and girls, and do so with the full participation of Aboriginal women.

Chiefs-in-Assembly have passed successive resolutions calling for this action:

- **AFN Resolution 61/2010:** Called upon Canada to jointly establish an independent, public commission of inquiry into missing and murdered Indigenous women in Canada.
- **AFN Resolution 02/2011:** Called on the Federal government to convene a Royal Commission on Violence Against Indigenous Girls and Women to make concrete and specific recommendations to end violence against Indigenous girls and women at a national level and that such a commission should include





Indigenous and/or woman chief commissioner(s), along with an Indigenous youth council, infusing the inquiry with both Indigenous, woman and girl perspectives.

- **AFN Resolution 01/2012:** reiterates and reaffirms these calls – and provides reminder for immediate action.

The **Assembly of Manitoba Chiefs** have called for a National Inquiry “to include hearings to listen to issues that affect Indigenous families of missing and murdered women and girls; to review police policies and procedures on searches and investigation, including procedures respecting the initiation and conduct of investigations in Canada of missing women and suspected multiple homicides; to examine communications and notifications between officials, police and the families of missing and murdered women; and, to examine the socio-cultural and socio-economic risk factors affecting Indigenous women and girls.”

Union of British Columbia Indian Chiefs Resolution 2011-30 called for a National Federal Inquiry or Royal Commission on Violence Against Indigenous Women and Girls, with the following focus:

- 1) The investigation of cases of missing and murdered Indigenous girls and women across Canada and the response of the designated policing agencies and the Canadian, provincial and territorial governments more broadly; and the response of, if applicable, the provincial and territorial ministries responsible for child and family services including foster care;
- 2) The fulfillment of the needs of the families of missing Indigenous girls and women and families of murdered Indigenous girls and women, as each of their needs are different;
- 3) The empowerment of Indigenous girls and women;
- 4) Affirming Gender-balance and Healing;
- 5) The judicial and law enforcement systems within Canada;
- 6) Broader awareness and understanding of the impacts of colonization towards Indigenous girls and women in Canada;
- 7) The allocation of resources to the investigation and determination of the identity of perpetrators of violence against Indigenous girls and women.

A Commission of Inquiry is established by the Governor in Council / Cabinet to fully and impartially investigate issues of national importance – there can be no question that the incidences of murdered and missing Indigenous women, and the extremely high rates of violence experienced by Indigenous peoples in Canada is such an issue.

The focus, scope and mandate of a Commission of Inquiry are determined upon its creation and can be broadly or narrowly defined. It has the power to compel testimony, subpoena witnesses, take evidence under oath and request documents.

It is clear from calls for action from Indigenous women’s organizations, leadership and families of missing and murdered Indigenous women that an independent National Public Commission of Inquiry on Violence Against Indigenous Women and Girls must focus on moving forward action plans to address violence and the factors that lead to it, inclusive and reflective the perspectives of Indigenous women, First Nation, Inuit and Métis communities, and the families of missing and murdered women.





Such a Commission would:

- ensure an open and transparent examination of socio-economic, political and historical factors and their current application through the child welfare, justice and corrections systems that lead to increased vulnerability;
- examine police practices and protocols with regards to investigations in incidences where Indigenous women are reported missing, communications with families and among and between jurisdictions;
- build on and examine the substantial – and sadly often unimplemented – recommendations made in previous commissions, inquiries, reports and task forces (such as the Royal Commission on Aboriginal Peoples, Manitoba Justice Inquiry , National Aboriginal Women’s Summits, etc.) with a focus on identifying critical barriers to their implementation and strategies to overcome these;
- examine supports, experiences and strategies in urban centres;
- provide special focus on the North and the unique perspectives and experiences of Northern First Nations and Inuit communities;
- review innovative practices and community-based supports in preventing violence and achieving reconciliation;
- increase public awareness and understanding of the impacts and underlying causes of violence.

Any activity must be supported by clear and focused commitment at all levels to work to end violence against Indigenous peoples, including identifying and dedicating resources to support this work.

The Assembly of First Nations recommends the Government of Canada immediately strike an independent and inclusive National Public Commission of Inquiry on Violence Against Indigenous Women and Girls, with the full support and participation of Provinces and Territories. Such an 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.





i pledge. end violence.

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