



# **Violence Against Aboriginal Women and Girls**

## **An Issue Paper**

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## **Introduction**

The intent of this document is to:

1. Bring to light the devastating impacts of violence against Aboriginal (First Nations, Inuit and Métis) women and girls, particularly systemic violence resulting from factors deeply rooted in colonization.
2. Examine current policies, strategies and action plans addressing violence against Aboriginal women and girls.
3. Provide recommendations on future work needed to end violence against Aboriginal women and girls.

## Impacts of Violence Against Aboriginal Women and Girls

### *Colonization*

Systemic violence against Aboriginal women (VAAW) and girls, their communities and their nations is grounded in colonialism and the lack of recognition of the collective human rights of Indigenous Peoples as noted by the International Indigenous Women's Forum recent report on violence against women:

“For Indigenous women, the systematic violation of their collective rights as Indigenous People is the single greatest risk factor for gender based violence – including violence perpetrated within their communities.”<sup>1</sup>

From an Aboriginal perspective, colonization in Canada created cultural, social, economical and political dislocation. Western worldviews and Aboriginal worldviews were polar opposites of each other. In the Aboriginal worldview, women held unique roles and responsibilities to their nations and to the Creator. These roles and responsibilities varied over the diverse nations but there was a common thread throughout - women were respected, valued, honoured and viewed as sacred human beings.

Aboriginal women's roles and responsibilities were defined as *central* to maintaining the Fire - in essence as keepers of their culture and knowledge systems they were responsible for transmitting values and beliefs to their families. They held influential positions of authority and were actively involved in various forms of governing, socially, economically, and politically including having substantial authority over land and property. (RCAP: 18: v.4)

European colonizers viewed women very differently. European women were subordinate objects deemed to be property of the men. They were suppressed and oppressed. The attitudes and treatment white men used to subjugate white

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<sup>1</sup> FIMI, *Mairin Iwanka Raya: Indigenous Women Stand Against Violence: A Companion Report to the United Nations Secretary-General's Study on Violence Against Women*. (International Indigenous Women's Forum: New York, 2006) at 15. See also at 15: “Dr. Myrna Cunningham, an internationally recognized Indigenous leader who is an advisor to FIMI, explains collective rights and their importance to Indigenous women:

“For Indigenous Peoples and Indigenous women, exercising our rights – both as Indigenous Peoples and as women – depends on securing legal recognition of our collective ancestral territories. Our territories are the basis of our identities, our cultures, our economies, and our traditions. Indigenous rights include the right to full recognition as Peoples with or own worldview and traditions, our own territories, and our own modes of organization within nation-states; the right to self-determination through our own systems of autonomy or self-government based on a communal property framework; and the right to control, develop, and utilize our own natural resources. Indigenous Peoples are entitled to these rights in addition to the rights guaranteed to all individuals by the full body of internationally agreed-upon human rights laws and standards.”

women were shifted to Aboriginal women displacing and dispossessing them from their positions of power and influence. (Fiske & George, 2006).

The *Indian Act* (1867) was shaped by Western colonial thinking and implemented with one goal in mind: to assimilate First Nations people in order to free up lands and resources and allow the Crown to avoid its fiduciary responsibilities. The *Indian Act* negatively impacted First Nations women and girls more than any other group; however the negative effects of colonial attitudes equally impact Inuit and Métis women. All Aboriginal women experience extreme marginalization and suffer from inequalities related to their social, economic, cultural, political and civil rights. These inequalities breed violence, such as post-colonial structural inequalities, family violence, racialized and sexualized violence, and gender violence. They also lead to poverty, lack of access to adequate housing, including the lack of access to matrimonial property rights, lack of access to justice, low education and employment rates, low health status and little or no political participation.

Long-term subjugation in Native communities exacerbated these conditions, doubling the suffering for women. Colonization has manifested into our own peoples' way of thinking and behaving. This is demonstrated by the current high rates of violence, for example, facing Aboriginal women both within and outside their communities. Men bear a special guilt, adding to Aboriginal women's oppression by inflicting pain on their wives, daughters, mothers, and sisters. (Taiaiake: 35:1999)

### ***Gendered Racism and other Forms of Discrimination Facing Aboriginal Women***

There are other conditions that perpetuate systemic violence against Aboriginal women and girls, such as stereotyping born from discrimination. A quote by Emma LaRoque (1994), a Métis professor of Native Studies clearly illustrates one of these conditions:

*"The portrayal of the squaw is one of the most degraded, most despised and most dehumanized anywhere in the world. The "squaw" is the female counterpart to the Indian male "savage" and as such she has no human face, she is lustful, immoral, unfeeling and dirty. Such a grotesque dehumanization has rendered all Native women and girls vulnerable to gross physical, psychological and sexual violence... I believe that there is a direct relationship between these horrible racist/sexist stereotypes and violence against women and girls, I believe, for example, that Helen Betty Osbourne was murdered in 1972 by four young men from The Pas because these youths grew up with twisted notions of "Indian girls" as "squaws"...Osbourne's attempts to fight off these men's sexual advances challenged their racist expectations that an "Indian*

*squaw” should show subservience, causing the whites to go into a rage and proceed to brutalize the victim.”*

This is a shameful demonstration of Canada’s failure to protect the basic human rights of Aboriginal women and girls. Numerous factors have pushed First Nations, Inuit and Métis women into extremely dangerous situations. These include government policies that have forced Aboriginal women to move away from their communities, leaving them to face heightened dangers because of their socio-economic marginalization and the racialized, sexualized racism facing them, as well as inadequate protection from the criminal justice system. (Stolen Sisters Report, Sisters in Spirit, Maze of Injustice) The negative effects arising from these matters are far reaching, literally affecting every aspect of Aboriginal women’s lives.

### **Statistics on Violence against Aboriginal Women and Girls**

- Amnesty International (2004) reports that Aboriginal women aged 25-44 are five times more likely than other Canadian women of the same age to die of violence.
- More than 500 Aboriginal women and girls have gone missing or been murdered over the last 30 years. Systemic racist and discriminatory factors on the part of Canada play a role in violence against Aboriginal women and girls. (NWAC)
- In 2003 Aboriginal people were three times more likely to be victims of spousal violence than were those who are non-Aboriginal. In addition, 54% of Aboriginal women reported experiencing severe and potentially life threatening violence compared to 37% of non-Aboriginal women. These percentages remained unchanged since 1999; however, for non-Aboriginal women, the percentage who experienced the most serious forms of violence declined from 43% in 1999 to 37% in 2004 (Statistics Canada, 2006)<sup>2</sup>
- 24% of Aboriginal women, compared with 18% of Aboriginal men, said that they had suffered violence from a current or previous spouse or common-law partner in the five-year period up to 2004. (Statistics Canada, 2005)
- Up to 75% of survivors of sexual assaults in Aboriginal communities are young women under 18 years old. 50% of those are under 14 years old, and almost 25% are younger than 7 years old. (METRAC, 2001)
- Eighty-two percent of all federally sentenced women report having been physically and/or sexually abused. This percentage rose to 90% for Aboriginal women. (CAEFS, 2006)

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<sup>2</sup> It should be noted that statistical methods for measuring violence against women is flawed as it was not specifically designed to take into account cultural differences among minority groups, including Aboriginal women.

## II. Policies, Strategies and Action Plans to Combat VAAW and Girls

### *Canadian Governments (Federal, Provincial and Territorial)*

Canada is obligated to live up to a number of international humanitarian legal declarations and treaties that include protections against violence, either directly or indirectly. These include, for example, the *Declaration on the Elimination of Violence against Women*, the *Universal Declaration of Human Rights* (UDHR)<sup>3</sup>; the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW)<sup>4</sup>; and the *Convention on the Rights of the Child*.<sup>5</sup>

In *Canada's Submission to the UN's In-Depth Study on All Forms of Violence Against Women* Canada publicly condemns violence against women. The writers also identify eliminating violence against women as one of their priorities. The federal Government of Canada outlines a number of activities with long-term goals aimed at ending violence against women: initiatives, policies and strategies, advocacy, education and outreach efforts, and implementation and enforcement issues. The activities are a collective responsibility spreading across seven departments and agencies: Public Health Agency of Canada, Canada Mortgage and Housing Corporation, Department of Justice Canada, Royal Canadian Mounted Police, Canadian Heritage, Status of Women Canada, and Statistics Canada. Additionally, Indian and Northern Affairs Canada, Correctional Service Canada and National Defence address family violence.

Some examples of federal initiatives identified to address violence include the *Family Violence Initiative* to reduce family violence (Department of Justice Canada). The *Policy Centre for Victims Issues (PCVI)* recently began information gathering to assess the incidence of Aboriginal victimization in Canada, with the objective of developing a work plan to respond to the needs of Aboriginal victims of crime. The *Health Canada's Women's Health Strategy* is responsible to ensure implementation of gender based analysis, while the *Trafficked Women/Sex Trade Workers* initiative is currently developing a federal strategy to enhance federal anti-trafficking responses. The *Family Violence/Family and Criminal Law* initiative is a prevention strategy while the *Youth Violence* initiative explores the issue of teen violence and healthy relationships.

The federal government acknowledges that the risk of experiencing violence remains higher for Aboriginal women and girls in Canada compared to other

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<sup>3</sup> UDHR, article 3 (right to life, liberty and security of the person), article 5 (right not to be subjected to torture or to cruel, inhumane or degrading treatment), articles 7 and 16 (right to equality).

<sup>4</sup> CEDAW, for example, articles 1, 2 and 5 (equality and discrimination) and article 6 (trafficking against women).

<sup>5</sup> CRC, for example, article 2 (non-discrimination/equality), article 19 (violence/abuse), article 34 (sexual exploitation/sexual abuse) and article 35 (child trafficking).

women in Canada. In response, the Department of Justice supports programs and initiatives of relevance to Aboriginal women largely through the *Aboriginal Justice Strategy* (AJS). Community-based programs flowing through the AJS are designed to assist communities to administer justice, to help reduce crime and incarceration rates and to foster improvements in the justice system that respond to the needs of Aboriginal peoples. The PCVI has implemented innovative projects and activities to meet the needs of Aboriginal victims of crime in the NWT and the Yukon. The federal government also provides support to Pauktuutit Inuit Women of Canada for pilot test projects aimed at preventing violence.

The federal government is providing \$5 million over five years (2005-2010) to NWAC for the Sisters in Spirit initiative which focuses on addressing the root causes of racialized and sexualized violence relating to missing and murdered Aboriginal women and girls. (NWAC) A description of the events leading up to this activity follows below.

### ***NWAC's Sisters in Spirit Initiative***

In 2002, national momentum built around taking action countering violence against Aboriginal women and girls. The Native Women's Association of Canada (NWAC) called on Amnesty International (Canada), KAIROS Canadian Ecumenical Justice Initiatives, Canadian Association of Elizabeth Frye Societies, and United and Anglican Churches to take action. These groups agreed to work together to raise awareness under the name "National Coalition for our Stolen Sisters." Examples of the activities they undertook included:

- Annual nation-wide marches held every February 14th to end violence against women and to advocate for Aboriginal missing women.
- In August 2003, Amnesty International (Canada) began work on the issue of missing and murdered Aboriginal women in Canada.
- In October, 2004 the report *Stolen Sisters: A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada* was released
- In 2005, NWAC signed the five-year Sisters in Spirit agreement with the Federal Government. The lead department is Status of Women Canada.

The goals of Sisters in Spirit initiative are:

- to make all Aboriginal women's lives safe and secure in this country regardless of their socio-economic status, background or residency
- to address the root causes of violence against Aboriginal women and girls
- to raise national awareness of the need to address the multiple forms of oppression facing Aboriginal women; and

- to ensure that Aboriginal women have a process for meaningful input in identifying and influencing gaps in policy and policies that require change.

NWAC's work on violence against Aboriginal women and girls is also guided by our Strategic Options Plan (2004) which outlines the following mechanisms that can be used to address this issue:

1. Local Advocacy Mechanisms, such as supporting provincial and territorial member associations of NWAC and other grassroots organizations. These activities include:
  - Participating in Band politics (thereby increasing the number of women Councillors and Chiefs, for example);
  - Participating in municipal politics and elections (thereby influencing municipal by-laws and budgets that have an impact on Aboriginal women, such as allocations to community programs and services aimed at addressing violence against Aboriginal women);
  - Participating in nationally organized marches and protests, such as the Sisters in Spirit annual march of February 14th and the annual Take Back the Night, December 6th marches. For a list of Canadian violence against women campaigns, see: <http://www.herplace.org/women-study.html#vaw>; and
  - Launching local education and awareness campaigns aimed at ending violence against Aboriginal women and girls.
2. National Advocacy Mechanisms employed by NWAC (and other Aboriginal women's representative groups and National Aboriginal Organizations and Nations) such as:
  - Educational and awareness campaigns, such as the Sisters in Spirit Initiative, to be implemented throughout Canada. The SIS Initiative has received some support in this regard, but more comprehensive, long term support is required to carry out sufficient campaigns to remedy the systemic violence against Aboriginal women and girls;
  - Senate Standing Committee Presentations, such as to the Standing Committee on Aboriginal Peoples, Standing Committee on Human Rights, Standing Committee on the Status of Women;
  - Government Mapping Project that identifies all relevant entry points in the Canadian governments (federal, provincial and territorial) that can assist in the necessary policy and legislative reforms to promote the right to live free from violence for all Aboriginal women and girls. A



similar project could be carried out in relation to identifying all relevant civil society or non-governmental organizations where networking could result in greater support for the goal of ending violence against Aboriginal women and girls.

- Law Reform Projects, such as ways to improve the response of all actors involved in the criminal justice system (from the police to lawyers to judges) in addressing all forms of violence against Aboriginal women and girls; and
  - Litigation, through test cases or intervening in court cases that have an impact on levels of violence against Aboriginal women. This mechanism is less available today than in the past since the new federal Conservative government has cancelled the Court Challenges Program which provided invaluable support to test cases and interventions related to equality rights.
3. Regional Advocacy Mechanisms, such as advocating for the advancement of the collective and individual human rights of Aboriginal peoples and women, respectively, through, for example:
- Participating in the Organization of American States (OAS), such as the OAS Working Group on the Draft American Declaration on the Rights of Indigenous Peoples, where a provision against violence and discrimination facing Indigenous women has been provisionally adopted; and
  - Launching complaints through the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.
4. International Advocacy Mechanisms, such as addressing violence against Aboriginal women and girls throughout the UN system, including the following:
- Participating in the Human Rights Council and its mechanisms, such as the Special Rapporteur on the situation of the human rights and fundamental freedoms of Indigenous peoples, Mr. Rodolfo Stavenhagen and the Special Rapporteur on Violence against Women, its Causes and Consequences, Ms Yakin Erturk;
  - Participating in the Treaty-Monitoring Bodies, such as the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination (including submission of shadow reports to Canada's reports to the Committees); and

- Participating in the Permanent Forum on Indigenous Issues which provides expert advice and recommendations on Indigenous issues to the UN system, States and Indigenous Peoples.

Many of these mechanisms have been integrated into the Sisters in Spirit Initiative where resources are available to do so. Further resources are required to fully carry out this Action Plan and to carry out recommendations that have arisen, or will arise, from the research of the Sisters in Spirit Initiative. For a fuller discussion, please refer to the Sisters In Spirit: An Issue Paper (June 2007).

Other high profile initiatives aimed at eliminating violence against Aboriginal women and girls being undertaken under the auspices of NWAC include work on Bill C-44 (an Act to Repeal s.67 of the CHRA), Matrimonial Real Property on reserves, and Bill C31 status, identity and membership issues. In order to be effective, these initiatives must include the full participation of the National Aboriginal Organizations, including NWAC. NWAC's involvement, along with that of other representative Aboriginal women's organizations, must be secured at all stages from development to implementation to evaluation in order to ensure the full and effective participation of Aboriginal women.

Over the last three decades Aboriginal and non-Aboriginal women's groups have organized in action to end violence against Aboriginal women and girls. NWAC, with the support of government, NAO's, and regional and grassroots groups continues to lead the way in efforts to address and eliminate violence.

### Healing

Aboriginal people nationwide have been suffering from multi-generational trauma stemming from the effects of colonial policies. Some manifestations are violence, sexual abuse, addictions, neglect, depression, suicide, hopelessness and despair.

Since the release of the RCAP (1996) restorative healing initiatives that balance contemporary and cultural healing practices have been implemented across Canada. Holistic healing practices structured on cultural traditions once undermined by the government are now being revitalized and implemented in strategic healing policy development, programs and initiatives. Programs such as the Ontario Aboriginal Healing and Wellness Strategy focus on holistic wellness that includes the physical, mental, emotional, spiritual and cultural aspects of life. Through this understanding of self, a vision of wellness, which balances body, mind and spirit, is promoted through the healing continuum.

We believe that the process of effective healing occurs at the individual, community and nation levels. Effective long-term healing includes the involvement of every participant stepping up and taking accountability. As

women it is our traditional role to ensure a continuous state of wellness, balance and harmony within our communities for all generations to come. It is incumbent that we live up to the sacred instructions as handed to us from the Creator. As Dan Smoke, Elder of the Seneca Nation observed "It was not the intention of the Creator that Aboriginal women be thrown aside like garbage".

## **Current Status**

The Government of Canada has implemented numerous initiatives aimed at preventing the incidence of violence against Aboriginal women and girls. National Aboriginal Organizations and organizations at the provincial, territorial and grass roots levels have implemented initiatives and projects aimed at preventing violence against women and girls. International and national policies, laws and standards to end violence against women and girls have been ratified. Women everywhere have organized to bring public awareness toward ending violence against women and girls. And yet violence against Aboriginal and all women and girls continues to permeate our societies.

Despite Canada's claims that ending violence against women is a priority Amnesty Internationals' Report (2007) contained serious concerns about violations of the rights of Indigenous peoples, including discrimination and violence against Indigenous women and girls, women's human rights, police abuses, security and human rights and refugee protection. "We have very serious concerns about how the government has been approaching issues related to the rights of Indigenous peoples," said Alex Neve, Secretary-General of Amnesty Canada." While Prime Minister Stephen Harper has pushed for improved human rights in countries like China and Afghanistan, the government cannot forget to apply the same principles at home, he added.

One example of the recent obstructionist approach by the new Conservative government of Canada is its decision to call a vote and vote against the *UN Declaration on the Rights of Indigenous Peoples* at the UN Human Rights Council in June 2006 and to subsequently vote in favour of a resolution at the Third Committee of the UN General Assembly to defer consideration of the adoption of the Declaration in November 2006. Since this time, Canada has stated it will vote against the Declaration when it goes before the UN General Assembly and has been actively lobbying other countries to do the same. These actions send the world the message that the human rights of Indigenous Peoples, within Canada and globally, do not matter.

Aboriginal leaders, including NWAC's President Jacobs, have expressed deep disappointment with the government's continued opposition to the draft declaration. Over the past year, they have outlined many times in many contexts the critical harms caused by Canada's failure to support the *UN Declaration*. Along with many other Indigenous organizations, we have shown that this

opposition is unnecessary and that the concerns raised by the government do not require any re-opening of the text approved by the UN Human Rights Council in June 2006.

Finally, although the federal Government of Canada adopted a policy requiring federal departments and agencies to conduct GBA on future policies and legislation where appropriate, studies have shown that the government is failing to ensure effective implementation overall. (Standing Committee on the SWC)

### **III. Recommendations for Future Work**

Recent studies and reports have demonstrated the critical importance of addressing the root causes of violence against Aboriginal women and girls, including Canada's harmful colonial discriminatory policies and legislation applied to Aboriginal Peoples in Canada. (Stolen Sisters, Sisters in Spirit, Mairin Iwanka Raya). Colonization is at the very core of the systemic violence targeted at Aboriginal women and girls. Canada must stop its colonial policies immediately.

1. According to Aboriginal spiritual worldviews, it is the responsibility of our women to ensure wellness; balance and harmony are restored in our communities. Aboriginal women's organizations and groups have clearly stated that 'enough is enough'. Revitalizing and restoring traditional values and 'ways of being' are paramount. The cycle of violence must be broken. It is incumbent on First Nations, Inuit and Métis women with the support of the men to take the lead in ending the cycle. This requires support for capacity building and carrying out the necessary research and policy work. We urge Canada to support NWAC's efforts beyond the 5 year Sisters in Spirit Initiative to allow NWAC to continue to address systemic violence against Aboriginal women and girls in Canada. In addition, we urge Canada to support the implementation of recommendations contained within NWAC's Strategic Options Plan on violence against Aboriginal women, as outlined above.
2. One must fully understand the impacts of violence and abusive relationships to grasp the enormity of the shameful legacy left by Canada. The relationship between Aboriginal peoples and Canada is an imbalanced relationship of 'power-over'. NWAC has contended that Aboriginal women are the backbone of their communities and Nations and that the wellness and strength of the women are reflected in their communities and Nations. Balance and harmony are ingredients of any healthy relationship. We believe the whole country must come to terms with systemic violence. We strongly insist that all decision-makers at every level of government – federal, provincial, territorial and regional – Aboriginal and non-Aboriginal alike undergo their own healing journey to uncover their own sense of wellness and restore equality, humanity and justice.

3. Validation and recognition are integral components to healing. NWAC demands that the Government of Canada heed former Residential School students, their families and all First Nations pleas for a public apology. NWAC supports the call the opposition made in the House of Commons (May 2, 2007) in their motion for the House to collectively apologize.
4. Furthermore, NWAC demands that Canada publicly apologize to all Aboriginal, First Nation, Inuit and Métis people for intentionally inflicting racist and discriminatory colonial policies that devastated their people, communities and nations. Particular attention should be paid to redressing the unique harms on Aboriginal women (such as those related to their reproductive health, for example).
5. NWAC commends the Government of Canada for their policies, initiatives and strategies to end violence against Aboriginal women and girls. However, it must do much more. The Government of Canada must make good on its proclaimed intentions. NWAC strongly encourages the Government of Canada to commit to fully, meaningfully and consistently upholding international and domestic commitments and obligations that were developed to eliminate violence against women.
6. NWAC encourages government efforts to identify outstanding equality gaps, to address those gaps in a proactive manner and to ensure that there is commitment from the highest levels for considering the differential impacts of all policies, programs and laws on Aboriginal men/boys and women/girls by implementing a Culturally Relevant Gender Based Analysis (CRGBA).
7. We consider implementing CRGBA to be a living process that can readily adapt to changing cultures and realities. NWAC utilizes the CRGBA framework as a tool in policy development and evaluation in all of its work. It is intended to ensure programs and services are developed in a balanced fashion, reflecting the unique needs of those populations most affected and capturing the diversity of distinctive cultures of First Nation, Métis and Inuit peoples. It also allows for the real or potential impacts of programs to be analyzed in terms of their differential impacts on genders. The input of Aboriginal women's organizations, and National, Provincial, Territorial and grassroots Aboriginal organizations should be carefully considered in finding the best solution oriented approaches to this end.
8. In addition, when CRGBA shows a differential impact remedial action altering plans should be taken immediately. Failure to initiate investigation further would mean that the violence against Aboriginal women and girls which is rooted in current gender inequalities will remain the status quo.

9. We urge Canada to agree to the suggestions put forth by Aboriginal Leaders towards developing a Statement of Shared Understanding about the application of the *UN Declaration* in Canada that would remove any obstacle to Canada voting “yes” to the *UN Declaration* in its current form at the UN General Assembly. NWAC believes that Canada’s support of the *UN Declaration* at the General Assembly will be a historical moment of pride and accomplishment built on over twenty years of hard work by Canada and many other States to affirm and to advance Indigenous Peoples’ human rights. Should Canada continue to oppose the Declaration, this will go down in history as a blight on Canada’s reputation as a human rights defender.

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