

## **Submission to the Human Rights Office of the High Commission Call for Input on Violence Against Indigenous Women and Girls**

Purpose of the submission: To inform the Special Rapporteur's report on violence against Indigenous women and girls, to be presented at the 50th session of the Human Rights Council as proposed in the call for submissions.

Submitted on: January 31, 2022

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This submission recognizes decades of research led by Indigenous women that incessantly points to the intersectionality of violence and ongoing colonial systems of political, economic and social dominance that disproportionately discriminates against Indigenous women in Canada. Research on violence against Indigenous women in Canada and its intersectionality with issues of land, power and gender is not lacking. A recent example is *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, <https://www.mmiwg-ffada.ca/final-report/>. The disaggregated data on violence against Indigenous women and girls, including on the perpetrators and their relationship to the victims is documented. Women are being re-victimized over-and-over again by having to share their stories of harm in order to collect data. Therefore, our main recommendation concerns the lack of centrality of Indigenous-women's research and their voices for addressing violence against Indigenous women and girls in Canada. We recommend a concerted effort be made in Canada toward demonstrable action that enduringly invests

in grassroots Indigenous women's wise practices, collective leadership and actions, which strategically address historical and contemporary acts of violence toward Indigenous women, their kinship and knowledge systems.

Globally, Canada is seen as a leader in addressing the injustices prevalent in Indigenous – Settler relations. We acknowledge the efforts being made to address this relationship, especially concerning the disproportionality of violence against Indigenous women and girls. To this end, we highlight five best practices. However, we raise specific challenges that exist beyond these best practices; that is the lack of policy changes and attention to the actions that Indigenous women recommend including their implementation.

**Best practice 1 : The Truth and Reconciliation Commission of Canada (TRC) was initiated by and led with Indigenous peoples who survived Canada's Indian Residential Schools.**

The process followed a relational, community-engaged approach. The Final Report of the Truth and Reconciliation Commission honored and documented the testimony of the survivors. Together, the Commissioners, Survivors and Community of Helpers presented 94 Calls to Action to advance reconciliation in Canada. These Calls to Action continue to be integrated into Canadian society to amend inaccurate curricula and policies, in order to effect transformation of unjust Indigenous-Settler relations in Canada. Justice-specific Calls to Action (25-42) bring attention to the constitutional injustices that disproportionately discriminate against Indigenous peoples within the legal system. In response to TRC Call #41, a national inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) was launched in 2016 and completed in 2019.

**Challenge:** While curricula and policy changes are in motion in response to the TRC Calls to Action, implementation of them is lacking. This is evidenced in the findings that follow in the next best practice.

**Best practice 2: The National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIW), "Reclaiming Our Power and Place", and herein referred to as the National Inquiry, was a public inquiry held in response to the TRC Call to Action #41.**

The National Inquiry was led by and with Indigenous women, First Nations, Metis and Inuit Knowledge keepers, family members, survivors, academics and artists. We draw on one finding to point to the intersecting layers of gendered violence and the multi-faceted long-term vision and action required; that is, "Despite their different circumstances and backgrounds, all of the missing and murdered are connected by economic, social and political marginalization, racism, and misogyny woven into the

fabric of Canadian society.” The National Inquiry looked into and reported on the systemic causes of all forms of violence against Indigenous women and girls, including sexual violence. It examined the underlying social, economic, cultural, institutional, and historical causes that contribute to the ongoing violence and modes of discrimination against Indigenous women and girls in Canada. The mandate of the National Inquiry was to look into and report on existing institutional policies and practices that address or perpetrate violence. Implied in the Final Report’s definition of violence is the intersection of ongoing colonialism with the domestic violence that has seeped into Indigenous homes and communities.

Although the National Inquiry focused on missing and murdered Indigenous women and girls, it also considered LGBTQ+ folks, sexual assault, child abuse, domestic violence, bullying and harassment, suicide, and self-harm. The Final Report testified to how these forms of violence interconnect with ongoing colonialism and how intergenerational effects continue to be harmful. It is through the stories of the survivors that a new vision of Canada is revealed; a vision informed by Indigenous values and teachings on good relations. A key consideration for being in good relation is to challenge the false, but predominant perception that Indigenous peoples are the core of the problem.

**Challenge:** It has been four years since Canada’s most recent Universal Periodic Review (2018) and three years since the Final Report on Canada’s National Inquiry into Missing and Murdered Indigenous Women (2019). Yet, there continues to be a lack of movement to satisfy the Reports’ Calls to Justice to act upon Indigenous women’s demands for accountability, demonstrable action and policy changes. The Calls to Justice, which echo sixteen of the recommendations by the international community to Canada’s most recent Universal Periodic Review, require greater visibility and involvement of Indigenous women, not as research subjects, but as agents of change in the decision-making processes for new policies and systemic transformation.

### **Best practice #3. Indigenous women-led organizations and systemic change-making initiatives.**

Following the Amnesty International report in 2004, “Stolen Sisters, A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada”, qualitative and quantitative research on violence against Indigenous women has been largely Indigenous-women led. The findings of Indigenous scholars have consistently documented that Indigenous women and girls experience more than triple the rates of violent sexual victimization than do their non-Indigenous Canadian female counterparts. This evidence is available in the Native Women’s Association of Canada’s (NWAC) Sisters in Spirit Campaign report (2009), the final reports of Canada’s Truth and Reconciliation Commission (2015) and Canada’s National Inquiry into Missing and

Murdered Indigenous Women (2019). These reports have succeeded in getting Canadian governments at all levels to recognize the need for policy changes, additional funding, and systemic transformation.

**Challenge:** Despite recognition of the reality and data, changes in policy and occasional funding are insufficient. Too often the resources are funneled to National Aboriginal organizations, bypassing the grassroots Indigenous-women efforts. Consistent and ongoing funding distribution is needed and it needs to support the efforts of grassroots women, particularly Grandmothers.

**Best practice 4: After correcting its oppositional position in 2016, Canada ratified into law the UN Declaration on the Rights of Indigenous Peoples.**

On June 16, 2021 Canada's Senate voted to pass Bill C-15, the United Nations Declaration on the Rights of Indigenous Peoples Act (the UNDRIP Act or the Act), into law. This is Canada's first substantive step towards ensuring federal laws reflect the standards set out in UNDRIP. This best practice was part of a process that followed the 2019 initiative of Indigenous Member of Parliament, Romeo Saganash. Articles 21.2 and 22.2 of the UNDRIP, calls nations to address the right of Indigenous women to be free from discrimination and violence. In addition, Articles 13, 14, 20, 26, 27, 34, and 40 refer to the right of Indigenous peoples to maintain and manage their own systems, including cultural and political. Article 35 reads, "Indigenous peoples have the right to determine the responsibilities of individuals to their communities."

**Challenge:** Indigenous Grandmothers, who have a vital leadership role in their communities, which they continue to exercise, are not being recognized as holders of their cultural rights within traditional governance systems. Furthermore, existing Canadian government systems create barriers to access sustainable funding for their cultural and political work.

All four of the good practices mentioned above are associated with national Aboriginal organizations that are endorsed by federal government entities. Each practice acknowledges the destructive power that ongoing settler colonialism has played in the lives of Indigenous women and the violence against them that is perpetuated in Canada through attitudes, policies, and systems. Yet, despite this recognition, oppressive attitudes, policies and systems remain largely unchanged, especially as it pertains to a) the recognition of the grassroots leadership role of generations of Indigenous Grandmothers as political decision-makers and community activists and b) concrete action towards transforming the systems that continue to oppress. We are concerned that despite the growing body of research, data, recommendations, and best practices, the existing political, economic and social structures in Canada seem incapable of transforming attitudes and implementing policies to effectively end violence against

Indigenous women in Canada. Settler colonialism continues to render invisible Indigenous ways of being, doing, and acting, and consequently fails to recognize the vision, roles, and responsibilities of Grandmothers within Indigenous systems.

**Best practice 5: Indigenous Grandmothers enacting their role in Indigenous sovereignty.**

What requires immediate attention is the ways in which Indigenous Grandmothers are interrupting current colonial systems with their wise community and collective methodologies informed by traditional governing, sacred laws, language, land and ancestral life-long teachings. They are disturbing existing systems for us and investing their very lives in ending violence against women through cultural resurgence efforts, regenerative education, promotion of health and wellbeing, language revitalization and community building, so as to reclaim sovereignty that includes body, land and lives. Given that colonialism is built on gender discrimination and gendered violence, a decolonial feminist approach to pathways forward is vital to a multi-dimensional and multi-generational vision of systemic change. Again the investment into decades of research encapsulating the gendered roots of colonial violence points to the roots of that perpetuates ongoing systems of oppression. This is demonstrated in disproportionate rates of ill-health, poverty, incarceration, intergenerational trauma, social services, and food insecurity— must be balanced with the decades of resilience, resistance, activism and leadership of Indigenous women who are effectively restoring and rebuilding our Indigenous Nations.

**Challenge:** Long-term investment in Indigenous women-led grassroots and grandmother-led initiatives must be considered, given they are already interrupting and transforming the long-term and inter-generational devastation to the land and lives of Indigenous peoples. Within this must be a deepened awareness that such an investment will improve the lives of all Canadians but, more importantly, will assure that Indigenous land-based governance can also thrive.

We end our submission with an example from Kii Ga Do Waak (Anishnabek Grandmothers) who risk to interrupt the Canadian system in order to make visible the relevant needs of women and girls who experience discrimination and violence. They do this by exercising their roles as knowledge keepers, counsellors, healers, community leaders and decision-makers. These Grandmothers has twice received short-term funds from two different levels of government, which both recognized the importance of the work of the Grandmothers and their capacity to reach those who are in most need. Yet, the vision of the Grandmothers to do their work in their communities on an ongoing basis in order to uplift women and youth is made impossible without ongoing and permanent funding that only governments can provide. Instead, Grandmothers must

resort to finding other economic means in order to do their real work on the side. Even when the system appears on paper to support the Grandmothers, it falls through.

For example, one Grandmother was hired by a long-term transitional and safe housing project for Indigenous children who are held in the Canadian state system of child and family services. She was hired to do the cultural work that she is trained to do and that is essential for the wellbeing of the youth she serves. The challenge, which is a consistent theme raised by grassroots women, is the lack of resources to actually do the work she was hired to do. The cultural work of Grandmothers requires deep systemic change. For example, programs that help youth who have been violated to reconnect with themselves on the land and learn the strength of community knowledge. Lack of resources prevent Grandmothers from exercising the cultural role that they have a right to contribute to their communities. Instead, when working for agencies who are accountable to a colonial system that does not meet the needs of Indigenous peoples, they are forced to be occupied with household labor work (cooking and cleaning and babysitting) and unable to do their work of knowledge transmission, healing, counselling, etc. and are prevented from doing their work on and with the land. In the case of the Grandmother we are referencing, she is an example of one among many Grandmothers who understand both the immediate needs and deeper systemic changes involved in rebuilding our Nations.

Given the best practices and the challenges above, as well as the example we cite, we respectfully ask that the Special Rapporteur assist Indigenous Grandmothers in Canada to exercise their rights as Indigenous women who have specific roles in their communities, as described in the UNDRIP. In light of this request, we recommend that:

- Canada address the disconnect between words and action on the part of governments and decision-makers.
- Canada continue to recognize that political, economic and social systems are broken and not mutually enhancing for all.
- Canada recognize the invisibility of the immediate needs of Indigenous women and girls who have suffered discrimination and violence and the lack long-term culturally centered investment.
- Canada address the invisibility of inequitable distribution of funds for Indigenous-women-led initiatives, including the traditional cultural and political work of Grandmothers that is recognized by their communities.

- Canada address white supremacist ideologies and engage in theoretical analysis and transformation of systems that continue to perpetuate deficit results and racist narratives about Indigenous women.
- Canada address the inequities within the criteria and measurability of funding distribution contradicting the terms of the Grandmothers and their Indigenous knowledge systems.
- Canada include Grandmothers, not only as consultants, but also in compensated decision-making roles, and in this way transform structures of existing systems.
- Canada examine its legal and judicial system at all levels that currently continue to perpetuate gendered violence by regulating the lives of Indigenous women and render them invisible.

We also invite the Special Rapporteur to delve deeply into the extensive research led by and with Indigenous women, to respond to the challenges described and to recognize the unaccounted labour of the Grandmothers as essential for the survival and thriving of Indigenous women-led leadership and therefore sovereign Nations. In addition, the emerging Indigenous feminist research must continue to be at the core of systemic change in the same way that our ancestral women held us together.

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