

# **Indigenous Women**

## **Context**

*Historically, the justice system has discriminated against Aboriginal people by providing legal sanction for their oppression. The oppression of previous generations forced Aboriginal people into their current state of social and economic distress. Now, a seemingly neutral justice system discriminates against current generations of Aboriginal people by applying laws that have an adverse impact on people of lower socio-economic status...To change this situation will require a real commitment to ending social inequality in Canadian society.<sup>1</sup>*

- In 2011, approximately 1,400,685 Aboriginal Peoples represented 4.3% of the general population in Canada.<sup>2</sup>
- The Aboriginal population in Canada is much younger than the non-Aboriginal population. Almost half (46%) of those in the former group are under the age of 25.<sup>3</sup>
- The Canadian legal system is often experienced by Aboriginal Peoples as a foreign and inappropriate means of addressing conflict in their communities.<sup>4</sup>

## **Criminalization and Punishment**

*The victimization of federally sentenced Aboriginal women prisoners includes sexual and physical assault, [as well as] emotional and psychological abuse prior to their imprisonment. There are numerous historical abuses suffered as a result of residential and mission schools, foster care and adoption, the lack of equal access to training and employment, not to mention the societal oppression experienced generationally, which results in internalized oppression.<sup>5</sup>*

- There is a connection between the criminalization and victimization of Indigenous women and girls.<sup>6</sup>
- Differences in Indigenous and non-Indigenous notions of justice can lead to a misunderstanding of the actions and reactions of Aboriginal Peoples in the legal system. Police, lawyers, judges and juries often misunderstand their words, demeanour, and body language.<sup>7</sup>
- The over-representation of Aboriginal Peoples within the Canadian criminal penal legal systems exemplifies the racist legacy of colonization.<sup>8</sup>

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<sup>1</sup> *Report of the Aboriginal Justice Inquiry of Manitoba: The Justice System and Aboriginal People*, vol 1, ch 4, at Conclusion (Winnipeg: Government of Manitoba, 2001), online: Government of Manitoba <[www.ajic.mb.ca/volume1/chapter4.html](http://www.ajic.mb.ca/volume1/chapter4.html)>.

<sup>2</sup> Statistics Canada, *Aboriginal People in Canada: First Nations People, Métis, and Inuit* (Ottawa, ON: Statistics Canada, 2011), online: Statistics Canada <<http://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-011-x/99-011-x2011001-eng.cfm>>.

<sup>3</sup> Aboriginal Affairs and Northern Development Canada, *Aboriginal Demographics from the 2011 National Household Survey* (Ottawa, ON: Aboriginal Affairs and Northern Development Canada, 2013), online: Aboriginal Affairs and Northern Development Canada <<https://www.aadnc-aandc.gc.ca/eng/1370438978311/1370439050610>>.

<sup>4</sup> The Correctional Investigator Canada, *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act* (Ottawa: Minister of Public Works and Government Services Canada, 2012) at page 12, online: The Correctional Investigator of Canada <<http://oci-bec.gc.ca/cnt/rpt/pdf/oth-aut/oth-aut20121022-eng.pdf>>.

<sup>5</sup> Statistics Canada, *Women in Canada: A gender-based statistical report* (Ottawa: Minister of Industry Canada, 2006) at page 195, online: Statistics Canada <<http://www.statcan.gc.ca/pub/89-503-x/89-503-x2010001-eng.htm>>.

<sup>6</sup> Native Women's Association of Canada, *Arrest the Legacy: From Residential Schools to Prisons*, online: Native Women's Association of Canada <[http://www.nwac.ca/sites/default/files/imce/WEBSITES/201104/insert1\\_final%20web%20-english.pdf](http://www.nwac.ca/sites/default/files/imce/WEBSITES/201104/insert1_final%20web%20-english.pdf)>.

<sup>7</sup> Patricia Monture-Angus, *Thunder in My Soul: A Mohawk Woman Speaks* (Halifax: Fernwood Publishing, 2002) at 195.

<sup>8</sup> Native Women's Association of Canada, *Aboriginal women and restorative justice*, Ottawa: Native Women's Association of Canada, 2007, online: Native Women's Association of Canada <<http://www.laa.gov.nl.ca/laa/naws/pdf/nwac-justice.pdf>>.

- Though a “healing lodge” was created by the Correctional Service of Canada in a stated attempt to address the unique needs of Indigenous women in prison, 90% of those for whom it was designed cannot access it because of discriminatory classification and admission criteria.<sup>9</sup> This exclusion can be seen as a form of double punishment, as Indigenous women in prison are being denied both their freedom and access to culture.<sup>10</sup>
- Indigenous women and girls are often convicted of offences such as breach of probation or parole, and failure to appear in court. These relatively minor convictions can lead to lengthy sentences of imprisonment, and increases in security classification.<sup>11</sup>

## Indigenous Women in Prison

- According to the Correctional Service of Canada the average Indigenous woman in prison is young (27 years old) with limited education and few employment opportunities. She is often unemployed or underemployed at the time of her arrest, and the sole support of two or three children. Often, she has left home at a young age to escape violence. She may be forced to sell her body because she needs money and is unable to obtain a job. She is likely subjected to ongoing racism, stereotyping, and discrimination because of her race and colour. She is also likely to be involved in an abusive relationship, from which children are born. The abuse she escaped from at home continues in the form of physical, sexual, and emotional violence. Her social and economic struggle likewise continues.<sup>12</sup>
- The ongoing over-incarceration of Aboriginal Peoples, and in particular, Indigenous women, is a form of systemic discrimination within the Canadian criminal justice system,<sup>13</sup> and is part of the colonial legacy in Canada.<sup>14</sup>
- 63% of all incarcerated women in Canada are Indigenous.<sup>15</sup> This rate is as a result of an 85.7% increase over the past decade.<sup>16</sup>
- First Nations, Inuit, and Métis women are routinely classified as higher security risks than non-Indigenous women in prison.<sup>17</sup> Nearly 50% of women classified as maximum security prisoners are Indigenous.<sup>18</sup>

<sup>9</sup> The Correctional Investigator Canada, *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act* (Ottawa: Minister of Public Works and Government Services Canada, 2012) at page 3, online: The Correctional Investigator of Canada <<http://oci-bec.gc.ca/cnt/rpt/pdf/oth-aut/oth-aut20121022-eng.pdf>>.

<sup>10</sup> Robyn Maynard, “Criminal (in) justice: An interview with Gillian Balfour” *Briarpatch Magazine* (1 March 2011), online: Briarpatch Magazine <<http://briarpatchmagazine.com/articles/view/criminal-injustice>>.

<sup>11</sup> Native Women’s Association of Canada, *Gender Matters: Youth Focus Part II*, at 25, online: Native Women’s Association of Canada <[http://www.nwac.ca/sites/default/files/imce/Gender%20Matters%20English/4-Part%20II\\_YouthFocus\\_GM.pdf](http://www.nwac.ca/sites/default/files/imce/Gender%20Matters%20English/4-Part%20II_YouthFocus_GM.pdf)>.

<sup>12</sup> Norma Greene, *Profile of an Aboriginal Woman Serving Time in a Federal Institution* (2013), online: Correctional Service Canada <<http://www.csc-scc.gc.ca/aboriginal/002003-1009-eng.shtml>>.

<sup>13</sup> The Correctional Investigator Canada, *Annual Report of the Office of the Correctional Investigator 2005-2006* (Ottawa: Minister of Public Works and Government Services Canada, 2006), at 11, online: The Correctional Investigator of Canada <<http://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20052006-eng.pdf>>.

<sup>14</sup> Native Women’s Association of Canada, *Aboriginal Women and Restorative Justice*, at 2, online: Labrador Affairs Office <<http://www.laa.gov.nl.ca/laa/news/pdf/nwac-legal.pdf>>.

<sup>15</sup> Canadian Human Rights Commission, *Report on Equality Rights of Aboriginal People* (Ottawa: Minister of Public Works and Government Services Canada, 2013) at page 54, online: Canadian Human Rights Commission <[http://www.chrc-ccdp.gc.ca/sites/default/files/equality\\_aboriginal\\_report.pdf](http://www.chrc-ccdp.gc.ca/sites/default/files/equality_aboriginal_report.pdf)>.

<sup>16</sup> The Correctional Investigator Canada, *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act* (Ottawa: Minister of Public Works and Government Services Canada, 2012) at page 11, online: The Correctional Investigator of Canada <<http://oci-bec.gc.ca/cnt/rpt/pdf/oth-aut/oth-aut20121022-eng.pdf>>; Ed Buller, *Aboriginal People*, online: Smart Justice Network of Canada <<http://smartjustice.ca/smart-justice/aboriginal-people/>>.

<sup>17</sup> The Correctional Investigator Canada, *Annual Report of the Office of the Correctional Investigator 2005-2006* (Ottawa: Minister of Public Works and Government Services Canada, 2006) at page 11, online: The Correctional Investigator of Canada <<http://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20052006-eng.pdf>>.

- Indigenous prisoners account for 31% of segregated prisoners.<sup>19</sup>
- The Custody Rating Scale fails to identify, reflect or accommodate the needs, capacities, and circumstances of women and/or racialized groups. As a result, Indigenous women are given unnecessarily high security classifications that result in program ineligibility and reduced opportunity for successful release into the community.<sup>20</sup>
- Indigenous prisoners do not receive timely access to programming that prepares them for release.<sup>21</sup> As such, the Correctional Service of Canada does not meet its statutory obligation to ensure the rights of Indigenous prisoners to effective assistance in reintegrating into their communities.<sup>22</sup>
- Indigenous women are more likely than non-Indigenous women to be denied parole, and to have served a longer portion of their sentence in custody once granted parole.<sup>23</sup> They are also more likely to have their parole revoked for technical reasons.<sup>24</sup>

## Social Conditions and Justice

- The violence experienced by Indigenous children in residential schools continues in a cycle of intergenerational trauma. Those who were abused have become abusers to women and children in their communities.<sup>25</sup>
- In the 1960's, the federal government continued with the cultural genocide of Aboriginal peoples through the child welfare system. Children were removed from their homes and placed in non-Indigenous care, often without the consent or knowledge of their families. This process is commonly known as the "60s Scoop."<sup>26</sup>
- The ongoing, forced separation of Indigenous children from their families is now referred to as the "millennial scoop."<sup>27</sup>
- Approximately 48% of all children in state care today are Indigenous.<sup>28</sup>
- Health Canada also highlights diabetes as a significant concern for the Aboriginal population because of "early onset, greater severity at diagnosis, high rates of

<sup>18</sup> The Correctional Investigator Canada, *Annual Report of the Office of the Correctional Investigator 2009-2010* (Ottawa: Minister of Public Works and Government Services Canada, 2010) at page 45, online: The Correctional Investigator of Canada <<http://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20092010-eng.pdf>>.

<sup>19</sup> The Correctional Investigator Canada (2013), *Segregation in Canadian Federal Corrections, Ending the Isolation*, online: The Correctional Investigator Canada <<http://www.oci-bec.gc.ca/cnt/comm/presentations/presentations20130322-23-eng.aspx>>.

<sup>20</sup> Canadian Human Rights Commission, *Protecting Their Rights: A Systematic Review of Human Rights in Correctional Services for Federally Sentenced Women* (Ottawa: Minister of Public Works and Government Services Canada, 2003) at page 28, online: Canadian Human Rights Commission <<http://www.chrc-ccdp.ca/eng/content/protecting-their-rights-systemic-review-human-rights-correctional-services-federally>>.

<sup>21</sup> Native Women's Association of Canada, *Arrest the Legacy: From Residential Schools to Prisons*, online: Native Women's Association of Canada <[http://www.nwac.ca/sites/default/files/imce/WEBSITES/201104/insert1\\_final%20web%20-english.pdf](http://www.nwac.ca/sites/default/files/imce/WEBSITES/201104/insert1_final%20web%20-english.pdf)>.

<sup>22</sup> The Correctional Investigator Canada, *Annual Report of the Office of the Correctional Investigator 2011-2012* (Ottawa: Minister of Public Works and Government Services Canada, 2012) at page 35, online: The Correctional Investigator of Canada <<http://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20122013-eng.pdf>>.

<sup>23</sup> Canadian Human Rights Commission, *Report on Equality Rights of Aboriginal People* (Ottawa: Minister of Public Works and Government Services Canada, 2013) at page 54, online: Canadian Human Rights Commission <[http://www.chrc-ccdp.gc.ca/sites/default/files/equality\\_aboriginal\\_report.pdf](http://www.chrc-ccdp.gc.ca/sites/default/files/equality_aboriginal_report.pdf)>.

<sup>24</sup> Correctional Service Canada, *Demographic Overview of Aboriginal Peoples in Canada and Aboriginal Offenders in Federal Corrections*, online: Correctional Service Canada <<http://www.csc-ccc.gc.ca/aboriginal/002003-1008-eng.shtml>>.

<sup>25</sup> Native Women's Association of Canada, *Fact Sheet: Root Causes of Violence against Aboriginal Women and the Impact of Colonization*, at 2, online: Native Women's Association of Canada <[http://www.nwac.ca/files/download/NWAC\\_3F\\_Toolkit\\_e\\_0.pdf](http://www.nwac.ca/files/download/NWAC_3F_Toolkit_e_0.pdf)>.

<sup>26</sup> Native Women's Association of Canada, *Fact Sheet: Root Causes of Violence against Aboriginal Women and the Impact of Colonization*, at 1, online: Native Women's Association of Canada <[http://www.nwac.ca/files/download/NWAC\\_3F\\_Toolkit\\_e\\_0.pdf](http://www.nwac.ca/files/download/NWAC_3F_Toolkit_e_0.pdf)>.

<sup>27</sup> Audrey Huntley, "Aboriginal Women's Access to Justice Video Project Report", CD-ROM (Toronto, METRAC 2011).

<sup>28</sup> Brittany Martell, *Information Sheet: Culturally Based Equity for First Nations Children & Youth*, at 1, online: First Nations & Family Caring Society of Canada <[http://www.fncaringociety.com/sites/default/files/Information%20Sheet\\_Culturally%20Based%20Equity\\_May%202013\\_7.pdf](http://www.fncaringociety.com/sites/default/files/Information%20Sheet_Culturally%20Based%20Equity_May%202013_7.pdf)>.

complications, lack of accessible services, increasing trends, and increasing prevalence of risk factors for a population already at risk.”<sup>29</sup>

## Poverty and Housing

- Reserves were created to aid in the colonization of Aboriginal peoples. For example, settlers introduced European methods of agriculture in Aboriginal communities through the reserve system. However, these communities often received poor land for farming with few resources for either food or income generation.<sup>30</sup>
- Indigenous communities are more likely to experience chronic unemployment as compared to the rest of Canada.<sup>31</sup> Aboriginal peoples are also more likely to live below the poverty line.<sup>32</sup>
- 1 in 4 children in First Nations families live in poverty, as compared 1 in 10 non-Indigenous children.<sup>33</sup>
- The average annual income of an Indigenous woman is 19.3% below the low-income cut-off (LICO).<sup>34</sup> The median income for Indigenous women aged 15 to 64 is \$6,564 less than the median income for non-Indigenous women of the same age group.<sup>35</sup>
- The employment rate for Indigenous women is only 38% on reserve, and 51% off reserve.<sup>36</sup>
- Approximately 36% of First Nations, Métis, and Inuit women live in poverty.<sup>37</sup>
- Poverty and inadequate housing contribute to systemic racism, dislocation, and violence against Indigenous women. These same factors often force women into situations of prostitution and homelessness.<sup>38</sup>
- Indigenous housing is the constitutional responsibility and fiduciary duty of the federal government.<sup>39</sup>
- Homes on reserves are and continue to be poorly built.<sup>40</sup> Almost half of houses on reserve are in need of one or more major repairs.<sup>41</sup>

<sup>29</sup> Statistics Canada, *Women in Canada: A gender-based statistical report* (Ottawa: Minister of Industry Canada, 2006) at page 193, online: Statistics Canada <<http://www.statcan.gc.ca/pub/89-503-x/89-503-x2010001-eng.htm>>.

<sup>30</sup> Eric Hanson, *Indian Reserves*, online: Indigenous Foundations <<http://indigenousfoundations.arts.ubc.ca/home/government-policy/reserves.html>>.

<sup>31</sup> Canadian Human Rights Commission, *Report on Equality Rights of Aboriginal People* (Ottawa: Minister of Public Works and Government Services Canada, 2013) at page 28, online: Canadian Human Rights Commission <[http://www.chrc-ccdp.gc.ca/sites/default/files/equality\\_aboriginal\\_report.pdf](http://www.chrc-ccdp.gc.ca/sites/default/files/equality_aboriginal_report.pdf)>.

<sup>32</sup> Canadian Human Rights Commission, *Report on Equality Rights of Aboriginal People* (Ottawa: Minister of Public Works and Government Services Canada, 2013) at page 18, online: Canadian Human Rights Commission <[http://www.chrc-ccdp.gc.ca/sites/default/files/equality\\_aboriginal\\_report.pdf](http://www.chrc-ccdp.gc.ca/sites/default/files/equality_aboriginal_report.pdf)>.

<sup>33</sup> Trish Hennessy, *First Nations: The Long Shadow of Assimilation*, online: Canadian Centre for Policy Alternatives <<https://www.policyalternatives.ca/publications/facts-infographics/hennessys-index-january-2013>>.

<sup>34</sup> Canadian Human Rights Commission, *Report on Equality Rights of Aboriginal People* (Ottawa: Minister of Public Works and Government Services Canada, 2013) at page 18, online: Canadian Human Rights Commission <[http://www.chrc-ccdp.gc.ca/sites/default/files/equality\\_aboriginal\\_report.pdf](http://www.chrc-ccdp.gc.ca/sites/default/files/equality_aboriginal_report.pdf)>.

<sup>35</sup> Canadian Human Rights Commission, *Report on Equality Rights of Aboriginal People* (Ottawa: Minister of Public Works and Government Services Canada, 2013) at page 12, online: Canadian Human Rights Commission <[http://www.chrc-ccdp.gc.ca/sites/default/files/equality\\_aboriginal\\_report.pdf](http://www.chrc-ccdp.gc.ca/sites/default/files/equality_aboriginal_report.pdf)>.

<sup>36</sup> Jacqueline M. Quinless, *Aboriginal Women in the Canadian Economy: The Links between Education, Employment and Income* (Ottawa, ON: Aboriginal Affairs and Northern Development Canada, 2013), at 1, online: Aboriginal Affairs and Northern Development Canada <[https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/ai\\_res\\_aborig\\_econ\\_pdf\\_1331068532699\\_eng.pdf](https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/ai_res_aborig_econ_pdf_1331068532699_eng.pdf)>.

<sup>37</sup> Canadian Women's Foundation, *The Facts about Women and Poverty*, online: <<http://www.canadianwomen.org/facts-about-poverty>>.

<sup>38</sup> Native Women's Association of Canada, *Fact Sheet: Root Causes of Violence against Aboriginal Women and the Impact of Colonization*, at 2, online: Native Women's Association of Canada <[http://www.nwac.ca/files/download/NWAC\\_3F\\_Toolkit\\_e\\_0.pdf](http://www.nwac.ca/files/download/NWAC_3F_Toolkit_e_0.pdf)>.

<sup>39</sup> National Aboriginal Housing Association, *A Time for Action: A National Plan to Address Aboriginal Housing*, at i, online: <[http://www.cwp-csp.ca/wp-content/uploads/2011/07/NAHA\\_Action\\_Plan\\_July\\_2009\\_FINAL.pdf](http://www.cwp-csp.ca/wp-content/uploads/2011/07/NAHA_Action_Plan_July_2009_FINAL.pdf)>.

<sup>40</sup> National Aboriginal Housing Association, *A Time for Action: A National Plan to Address Aboriginal Housing*, at 1, online: <[http://www.cwp-csp.ca/wp-content/uploads/2011/07/NAHA\\_Action\\_Plan\\_July\\_2009\\_FINAL.pdf](http://www.cwp-csp.ca/wp-content/uploads/2011/07/NAHA_Action_Plan_July_2009_FINAL.pdf)>.

- The proportion of Indigenous households in need of repair is 8% higher than non-Indigenous households.<sup>42</sup>
- Aboriginal peoples are six times more likely than non-Aboriginal peoples to live in a crowded dwelling. An estimated 85,000 dwellings are needed on reserves to meet the current housing demand.<sup>43</sup>

## Violence against Women and Colonization

- Some Aboriginal communities were matriarchal or semi-matriarchal before colonial imposition of patriarchal, religious, economic, and political institutions and practices.<sup>44</sup>
- Indigenous women are more likely than non-Indigenous women to experience emotional, financial, physical, and/or sexual abuse by a spouse or partner.<sup>45</sup>
- The rate of physical and sexual violence against Indigenous women is two and a half times higher than the rate against non-Indigenous women.<sup>46</sup>
- Indigenous women are more likely to experience serious victimization in the form of sexual and physical assault, and are five times more likely to die a violent death than either non-Indigenous women or Indigenous men.<sup>47</sup>
- Violence against women, and certainly violence against Indigenous women, is rarely understood as a human rights issue. To the extent that governments, media and the general public do consider concerns about violence against women, it is more frequent for this violence to be described as a criminal concern or a social issue. Violence against Indigenous women is also clearly a human rights issue that is rooted in colonization.<sup>48</sup>

## Missing and Murdered Women

- From 2005-2010, the Native Women's Association of Canada (NWAC) was able to document 582 cases of missing or murdered Indigenous women in Canada.<sup>49</sup> The government of Canada then refused to provide any further funding to allow NWAC to continue its "Sisters in Spirit" work.

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<sup>41</sup> Trish Hennessy, *First Nations: The Long Shadow of Assimilation*, online: Canadian Centre for Policy Alternatives <<https://www.policyalternatives.ca/publications/facts-infographics/hennessys-index-january-2013>>.

<sup>42</sup> Canadian Human Rights Commission, *Report on Equality Rights of Aboriginal People* (Ottawa: Minister of Public Works and Government Services Canada, 2013) at page 41, online: Canadian Human Rights Commission <[http://www.chrc-ccdp.gc.ca/sites/default/files/equality\\_aboriginal\\_report.pdf](http://www.chrc-ccdp.gc.ca/sites/default/files/equality_aboriginal_report.pdf)>.

<sup>43</sup> Kazi Stastna, "First Nations housing in dire need of overhaul" (28 November 2011), online: CBC News <<http://www.cbc.ca/news/canada/first-nations-housing-in-dire-need-of-overhaul-1.981227>>.

<sup>44</sup> Native Women's Association of Canada, *Culturally Relevant Gender Based Models of Reconciliation*, at 10, online: Native Women's Association of Canada <<http://www.nwac.ca/files/reports/Culturally%20Relevant%20Gender%20Based%20Models%20of%20RECONCILIATION.pdf>>.

<sup>45</sup> Canadian Human Rights Commission, *Report on Equality Rights of Aboriginal People* (Ottawa: Minister of Public Works and Government Services Canada, 2013) at page 56, online: Canadian Human Rights Commission <[http://www.chrc-ccdp.gc.ca/sites/default/files/equality\\_aboriginal\\_report.pdf](http://www.chrc-ccdp.gc.ca/sites/default/files/equality_aboriginal_report.pdf)>.

<sup>46</sup> Audrey Huntley, "Aboriginal Women's Access to Justice Video Project Report", CD-ROM (Toronto, METRAC 2011).

<sup>47</sup> Statistics Canada, *Measuring Violence against Women: Statistical Trends* (Ottawa: Minister of Industry Canada, 2013) at page 9, online: Statistics Canada <<http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766-eng.htm>>.

<sup>48</sup> Parliament, Standing Committee on the Status of Women, "Call Into the Night: An Overview of Violence against Aboriginal Women", in *Reports and Government Responses*, No. 14 (25 March 2011), at 4, online: Parliament of Canada <<http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=5056509&Language=E>>.

<sup>49</sup> Canadian Feminist Alliance for International Action (FAFIA), *Murders and Disappearances of Aboriginal Women and Girls in Canada*, at 12, online: FAFIA <<http://www.fafia-afai.org/wp-content/uploads/2014/09/6-20131ACHRBriefingPaperMarch-5.pdf>>.

- In 2014, the RCMP reported that they had records of 1,181 cases of missing or murdered Indigenous women in Canada,<sup>50</sup> 39% of which occurred since 2000.<sup>51</sup>
- Most of the missing women are under the age of 31. One quarter of those missing are under the age of 15.<sup>52</sup>
- The lives of Indigenous women and girls are devalued. Due to racist and sexist stereotypes, their disappearances are also frequently ignored by police.<sup>53</sup> The same discriminatory attitudes that exacerbate the crisis of missing and murdered women also contribute to the criminalization and incarceration of Indigenous women.

## Over and Under Policing

- Indigenous women are more likely to experience police discrimination than either non-Indigenous women or Indigenous men.<sup>54</sup>
- Racial profiling and over-policing is a principal cause of the criminalization of Indigenous women and girls in Canada.<sup>55</sup>
- Many Indigenous women and girls experience verbal racist and sexist abuse, physical and sexual abuse from police, but fear of retaliation means that most cases go unreported.<sup>56</sup>
- Past harm discourages women being abused from seeking police help, which exposes them to further violence.<sup>57</sup>
- Police failure to respond to and protect Indigenous women and girls remains a concern. Vis-à-vis missing and murdered women, police often fail to take reports seriously, delay investigations,<sup>58</sup> mishandle, or neglect to coordinate with other policing bodies.<sup>59</sup>
- The government has also failed to address outstanding Aboriginal land claims. They continue to take an adversarial approach to these claims, and attempt to impose the most restrictive measures possible on Indigenous communities.<sup>60</sup>
- The government continues to refuse to initiate a national inquiry into missing and murdered Indigenous women.

<sup>50</sup> Royal Canadian Mounted Police (RCMP) (2014), *Missing and Murdered Aboriginal Women: A National Operational Overview*, at 7, online: RCMP <<http://www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.pdf>>.

<sup>51</sup> Human Rights Watch, *Those Who Take Us Away: Abusive Policing and Failure in Protection of Indigenous Women and Girls in Northern British Columbia*, at 7, online: Human Rights Watch <[http://www.hrw.org/sites/default/files/reports/canada0213webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/canada0213webwcover_0.pdf)>.

<sup>52</sup> Canadian Feminist Alliance for International Action (FAFIA), *Murders and Disappearances of Aboriginal Women and Girls in Canada*, at 12, online: FAFIA <<http://www.fafia-afai.org/wp-content/uploads/2014/09/6-2013IACHRBriefingPaperMarch-5.pdf>>.

<sup>53</sup> Canadian Feminist Alliance for International Action (FAFIA), *Murders and Disappearances of Aboriginal Women and Girls in Canada*, at 22, online: FAFIA <<http://www.fafia-afai.org/wp-content/uploads/2014/09/6-2013IACHRBriefingPaperMarch-5.pdf>>.

<sup>54</sup> Human Rights Watch, *Those Who Take Us Away: Abusive Policing and Failure in Protection of Indigenous Women and Girls in Northern British Columbia*, at 16, online: Human Rights Watch <[http://www.hrw.org/sites/default/files/reports/canada0213webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/canada0213webwcover_0.pdf)>.

<sup>55</sup> Native Women's Association of Canada, *Gender Matters: Youth Focus Part II*, at 25, online: Native Women's Association of Canada <[http://www.nwac.ca/sites/default/files/imce/Gender%20Matters%20English/4-Part%20II\\_YouthFocus\\_GM.pdf](http://www.nwac.ca/sites/default/files/imce/Gender%20Matters%20English/4-Part%20II_YouthFocus_GM.pdf)>.

<sup>56</sup> Human Rights Watch, *Those Who Take Us Away: Abusive Policing and Failure in Protection of Indigenous Women and Girls in Northern British Columbia*, at 20, online: Human Rights Watch <[http://www.hrw.org/sites/default/files/reports/canada0213webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/canada0213webwcover_0.pdf)>.

<sup>57</sup> Human Rights Watch, *Those Who Take Us Away: Abusive Policing and Failure in Protection of Indigenous Women and Girls in Northern British Columbia*, at 30, online: Human Rights Watch <[http://www.hrw.org/sites/default/files/reports/canada0213webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/canada0213webwcover_0.pdf)>.

<sup>58</sup> Canadian Feminist Alliance for International Action (FAFIA), *Murders and Disappearances of Aboriginal Women and Girls in Canada*, at 22, online: FAFIA <<http://www.fafia-afai.org/wp-content/uploads/2014/09/6-2013IACHRBriefingPaperMarch-5.pdf>>.

<sup>59</sup> Parliament, Standing Committee on the Status of Women, "Call Into the Night: An Overview of Violence against Aboriginal Women" in *Reports and Government Responses*, No. 14 (25 March 2011), at 17, online: Parliament of Canada <<http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=5056509&Language=E>>.

<sup>60</sup> Alexandra Olson, "Canada faces 'crisis' over aboriginal issues, Anaya tells the UN" (22 October 2013), online: CTV News <<http://www.ctvnews.ca>>.

## Works Cited

Aboriginal Affairs and Northern Development Canada, *Aboriginal Demographics from the 2011 National Household Survey* (Ottawa, ON: Aboriginal Affairs and Northern Development Canada, 2011), online: Aboriginal Affairs and Northern Development Canada <<https://www.aadnc-aandc.gc.ca/eng/1370438978311/1370439050610>>.

Amnesty International, *No More Stolen Sisters*, online: Amnesty International <<http://www.amnesty.ca/our-work/campaigns/no-more-stolen-sisters>>.

Buller, Ed, *Aboriginal People*, online: Smart Justice Network of Canada <[www.smartjustice.ca](http://www.smartjustice.ca)>.

Canadian Feminist Alliance for International Action (FAFIA), *Murders and Disappearances of Aboriginal Women and Girls in Canada*, online: FAFIA <<http://www.fafia-afai.org/wp-content/uploads/2014/09/6-2013IACHRBriefingPaperMarch-5.pdf>>.

Canadian Human Rights Commission, *Report on Equality Rights of Aboriginal People* (Ottawa: Minister of Public Works and Government Services Canada, 2013), online: Canadian Human Rights Commission <[http://www.chrc-ccdp.gc.ca/sites/default/files/equality\\_aboriginal\\_report.pdf](http://www.chrc-ccdp.gc.ca/sites/default/files/equality_aboriginal_report.pdf)>.

Canadian Human Rights Commission, *Protecting Their Rights: A Systematic Review of Human Rights in Correctional Services for Federally Sentenced Women* (Ottawa: Minister of Public Works and Government Services Canada, 2003), online: Canadian Human Rights Commission <<http://www.chrc-ccdp.ca/eng/content/protecting-their-rights-systemic-review-human-rights-correctional-services-federally>>.

Canadian Women's Foundation, *The Facts about Women and Poverty*, online: <<http://www.canadianwomen.org/facts-about-poverty>>.

Correctional Service Canada, *Correctional Service Canada Healing Lodges* (Ottawa, ON: Correctional Service of Canada, 2013), online: Correctional Service Canada <<http://www.csc-scc.gc.ca>>.

Correctional Service Canada, *Demographic Overview of Aboriginal Peoples in Canada and Aboriginal Offenders in Federal Corrections*, online: Correctional Service Canada <<http://www.csc-scc.gc.ca/aboriginal/002003-1008-eng.shtml>>.

Correctional Service Canada, *Profile of an Aboriginal Woman Serving Time in a Federal Institution* (Ottawa, ON: Correctional Service of Canada, 2013), online: Correctional Service Canada <<http://www.csc-scc.gc.ca>>.

Green, Norma. *Profile of an Aboriginal Woman Serving Time in a Federal Institution* (2013), online: Correctional Service Canada <<http://www.csc-scc.gc.ca/aboriginal/002003-1009-eng.shtml>>.

Hanson, Eric, *Indian Reserves*, online: Indigenous Foundations  
<<http://indigenousfoundations.arts.ubc.ca/home/government-policy/reserves.html>>.

Hennessy, Trish, *First Nations: The Long Shadow of Assimilation*, online: Canadian Centre for Policy Alternatives <<https://www.policyalternatives.ca/publications/facts-infographics/hennessy-index-january-2013>>.

Human Rights Watch, *Those Who Take Us Away: Abusive Policing and Failure in Protection of Indigenous Women and Girls in Northern British Columbia*, online: Human Rights Watch  
<[http://www.hrw.org/sites/default/files/reports/canada0213webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/canada0213webwcover_0.pdf)>.

Huntley, Audrey, “Aboriginal Women’s Access to Justice Video Project Report”, CD-ROM (Toronto, METRAC 2011).

Martell, Brittany, *Information Sheet: Culturally Based Equity for First Nations Children & Youth*, online: First Nations & Family Caring Society of Canada  
<[http://www.fncaringsociety.com/sites/default/files/Information%20Sheet\\_Culturally%20Based%20Equity\\_May%202013\\_7.pdf](http://www.fncaringsociety.com/sites/default/files/Information%20Sheet_Culturally%20Based%20Equity_May%202013_7.pdf)>.

Méndez, Juan, *Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment*, UN GAOR, 66<sup>th</sup> Sess., UN Doc. A/66/268 (2011), online: UN,  
<<http://solitaryconfinement.org/uploads/SpecRapTortureAug2011.pdf>>.

Monture-Angus, Patricia, *Thunder in My Soul: A Mohawk Woman Speaks* (Halifax: Fernwood Publishing, 2002).

National Aboriginal Housing Association, *A Time for Action: A National Plan to Address Aboriginal Housing*, online: <[http://www.cwp-csp.ca/wp-content/uploads/2011/07/NAHA\\_Action\\_Plan\\_July\\_2009\\_FINAL.pdf](http://www.cwp-csp.ca/wp-content/uploads/2011/07/NAHA_Action_Plan_July_2009_FINAL.pdf)>.

Native Women’s Association of Canada, *Aboriginal Women and Restorative Justice*, online: Labrador Affairs Office <<http://www.laa.gov.nl.ca/laa/naws/pdf/nwac-legal.pdf>>.

Native Women’s Association of Canada, *Arrest the Legacy: From Residential Schools to Prisons*, online: Native Women’s Association of Canada  
<[http://www.nwac.ca/sites/default/files/imce/WEBSITES/201104/insert1\\_final%20web%20-english.pdf](http://www.nwac.ca/sites/default/files/imce/WEBSITES/201104/insert1_final%20web%20-english.pdf)>.

Native Women’s Association of Canada, *Culturally Relevant Gender Based Models of Reconciliation*, online: Native Women’s Association of Canada  
<<http://www.nwac.ca/files/reports/Culturally%20Relevant%20Gender%20Based%20Models%20of%20RECONCILIATION.pdf>>.



Native Women's Association of Canada, *Fact Sheet: Root Causes of Violence against Aboriginal Women and the Impact of Colonization*, online: Native Women's Association of Canada <[http://www.nwac.ca/files/download/NWAC\\_3F\\_Toolkit\\_e\\_0.pdf](http://www.nwac.ca/files/download/NWAC_3F_Toolkit_e_0.pdf)>.

Native Women's Association of Canada, *Gender Matters: Youth Focus Part II*, online: Native Women's Association of Canada <[http://www.nwac.ca/sites/default/files/imce/Gender%20Matters%20English/4-Part%20II\\_YouthFocus\\_GM.pdf](http://www.nwac.ca/sites/default/files/imce/Gender%20Matters%20English/4-Part%20II_YouthFocus_GM.pdf)>.

Native Women's Association of Canada, *NWAC Calls on All Canadians to Report Suspicions Regarding Missing or Murdered Persons*, online: Native Women's Association of Canada <<http://www.nwac.ca>>.

Native Women's Association of Canada, *What Their Stories Tell Us: Research Findings from the Sisters in Spirit Initiative*, online: Native Women's Association of Canada <<http://www.nwac.ca>>.

Olson, Alexandra, "Canada faces 'crisis' over aboriginal issues, Anaya tells the UN" (22 October 2013), online: CTV News <<http://www.ctvnews.ca>>.

Parliament, Standing Committee on the Status of Women, "Call Into the Night: An Overview of Violence against Aboriginal Women" in *Reports and Government Responses*, No. 14 (25 March 2011), online: Parliament of Canada <<http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=5056509&Language=E>>.

Public Health Agency of Canada, *Summary: HIV Prevalence in Canada, 2011* (Ottawa, ON: Public Health Agency of Canada, 2011), online: Public Health Agency of Canada <<http://www.phac-aspc.gc.ca/aids-sida/publication/survreport/estimat2011-eng.php>>.

Quinless, Jacqueline M., *Aboriginal Women in the Canadian Economy: The Links between Education, Employment and Income* (Ottawa, ON: Aboriginal Affairs and Northern Development Canada, 2013), online: Aboriginal Affairs and Northern Development Canada <[https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/ai\\_res\\_aborig\\_econ\\_pdf\\_1331068532699\\_eng.pdf](https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/ai_res_aborig_econ_pdf_1331068532699_eng.pdf)>.

*Report of the Aboriginal Justice Inquiry of Manitoba: The Justice System and Aboriginal People*, vol. 1 (Winnipeg, MB: Government of Manitoba, 2001).

Royal Canadian Mounted Police (RCMP) (2014), *Missing and Murdered Aboriginal Women: A National Operational Overview*, at 7, online: RCMP <<http://www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.pdf>>.

Statistics Canada, *2011 National Household Survey: Data tables* (Ottawa, ON: Statistics Canada, 2013), online: Statistics Canada <<http://www.statcan.gc.ca>>.

Statistics Canada, *Aboriginal People in Canada: First Nations People, Métis, and Inuit* (Ottawa, ON: Statistics Canada, 2011), online: Statistics Canada <<http://www.statcan.gc.ca>>.

Statistics Canada, *Measuring Violence against Women: Statistical Trends* (Ottawa: Minister of Industry Canada, 2013), online: Statistics Canada <<http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766-eng.htm>>.

Statistics Canada, *Women in Canada: A gender-based statistical report* (Ottawa: Minister of Industry Canada, 2006), online: Statistics Canada <<http://www.statcan.gc.ca/pub/89-503-x/89-503-x2010001-eng.htm>>.

Statistics Canada, *Youth Correctional Statistics in Canada 2010/2011*, by Christopher Munch (Ottawa: Minister of Industry Canada, 2012).

The Canadian Aboriginal AIDS Network, *Aboriginal Housing in Canada: An Informal Background Discussion Paper*, online: The Canadian Aboriginal AIDS Network <[http://caan.ca/wp-content/uploads/2012/05/CAAN\\_Aboriginal-housing-in-Canada\\_2010.pdf](http://caan.ca/wp-content/uploads/2012/05/CAAN_Aboriginal-housing-in-Canada_2010.pdf)>.

The Canadian Press, “UN human rights investigator says Canada needs inquiry into missing aboriginal women” (15 October 2013), online: *The Globe and Mail* <<http://www.theglobeandmail.com>>.

The Correctional Investigator Canada, *Annual Report of the Office of the Correctional Investigator 2009-2010* (Ottawa: Minister of Public Works and Government Services Canada, 2010), online: The Correctional Investigator of Canada <<http://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20092010-eng.pdf>>.

The Correctional Investigator Canada, *Annual Report of the Office of the Correctional Investigator 2011-2012* (Ottawa: Minister of Public Works and Government Services Canada, 2012), online: The Correctional Investigator of Canada <<http://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20122013-eng.pdf>>.

The Correctional Investigator Canada (2013), *Segregation in Canadian Federal Corrections, Ending the Isolation*, online: The Correctional Investigator Canada <<http://www.oci-bec.gc.ca/cnt/comm/presentations/presentations20130322-23-eng.aspx>>.

The Correctional Investigator Canada, *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act* (Ottawa: Minister of Public Works and Government Services Canada, 2012), online: The Correctional Investigator of Canada <<http://oci-bec.gc.ca/cnt/rpt/pdf/oth-aut/oth-aut20121022-eng.pdf>>.

The Correctional Investigator Canada, *Report Finds Evidence of Systemic Discrimination against Aboriginal Inmates in Canada's Prisons*, online: The Correctional Investigator Canada <<http://www.oci-bec.gc.ca>>.

The Legacy of Hope Foundation, *Hope and Healing*, online: The Legacy of Hope Foundation <<http://www.legacyofhope.ca/downloads/hope-healing-2014.pdf>>.