

National Family Survivors Circle Late

A Rights-Based Approach to

Canada's Implementation of CEDAW

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Introduction

The National Family and Survivors Circle Inc (NFSC) is an Indigenous-led, non-profit organization guided by the expertise and lived experience of impacted families of Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ people (MMIWG2S+), survivors of gender- and race-based violence, and Indigenous women, girls, and 2SLGBTQQIA+ individuals. Utilizing their deep knowledge, the NFSC utilizes this expertise and lived experience to influence transformational policies and systems to protect and uplift Indigenous women, girls, and 2SLGBTQQIA+ people. The NFSC advocates those families, survivors, and Indigenous women, girls, and 2SLGBTQQIA+ individuals are central in decision-making, ensuring that their insights shape effective and culturally grounded solutions. Rooted in the principles of Inclusion, Interconnectedness, Accountability, and Impact, the NFSC advocates for Indigenous-led approaches, driving governmental and institutional responses to be more just, equitable, and responsive. Through strategic partnerships and collaborations, the NFSC works to achieve meaningful, long-term change that honours and upholds the rights and strengths of impacted families, survivors, and Indigenous women, girls, and 2SLGBTQQIA+ people. The NFSC's focus is on creating a future where these individuals thrive, and their leadership and contributions are integral to all efforts aimed at safety, justice, and empowerment for Indigenous women, girls, and 2SLGBTQQIA+ people.

This submission by the NFSC Inc addresses Canada's compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), specifically as it pertains to the rights and safety of Indigenous women, girls, and 2SLGBTQQIA+ people. Through a rights-based lens, this report highlights the shortcomings of Canada's implementation of CEDAW Articles 1-16 and its responses to the Committee's previous concluding observations and the List of Issues. This submission highlights the systemic failures that continue to perpetuate violence, discrimination, and marginalization against Indigenous women and gender-diverse people. It also assesses the impact of the COVID-19 pandemic on gender equality and Indigenous rights, particularly the State's failure to adequately integrate a gender perspective into its pandemic recovery plans. Rooted in the expertise and lived experiences of families directly impacted by MMIWG2S+, survivors of gender- and race-based violence, and Indigenous women, girls, and 2SLGBTQQIA+ people, this document provides a series of actionable recommendations aimed at ensuring Canada fully meets its human rights obligations under CEDAW.

Recommendations

Mandate CEDAW Principles in National Policies: Canada must ensure the full implementation of General Recommendation No. 39, specifically recognizing Indigenous women, girls, and 2SLGBTQQIA+ individuals as Rights Holders.

Implement Gender-Responsive Budgeting: National and regional budgets should assess their impact on Indigenous women, girls, and 2SLGBTQQIA+ individuals, ensuring CEDAW obligations are met.

Provide Resources for Legal Aid and Access to Justice: Legal gaps that limit Indigenous women's and girls' access to justice must be addressed. Culturally appropriate legal services should be made widely available, as required under CEDAW Article 2(c).

Strengthen Indigenous Partnerships: Engage Indigenous women, female and 2SLGBTQQIA+ youth, and 2SLGBTQQIA+ people in meaningful consultation and participation at all stages of decision-making.

Focus on Prevention, Not Reaction: Prioritize preventative frameworks and strategies that address root causes like poverty, housing insecurity, systemic discrimination, and colonial violence.

Strengthen Accountability: The government's written responses should be coupled with clear action plans and transparent progress reports. The appointment of an independent monitoring body to oversee the implementation of CEDAW recommendations is essential.

Urgent Action on Calls 1.1, 1.7, and 1.10: Prioritize these Calls to ensure that Indigenous women, girls, and 2SLGBTQQIA+ people, impacted families of MMIWG2S+, and survivors of gender- and race-based violence, have the necessary legal protections and institutional support.

Institutionalize Reporting Mechanisms: Require all levels of government to regularly publicly report on progress toward implementing CEDAW recommendations with a focus on Indigenous women's, girls', and 2SLGBTQQIA+ individuals' rights.

Establish Accountability Mechanisms: Create a National Indigenous Human Rights Ombudsperson and establish a National Indigenous and Human Rights Tribunal as outlined in Call for Justice 1.7 in the National Inquiry into Missing and Murdered Indigenous Women and Girls Final Report.

Mandatory Inclusion in Policy Design: Ensure the inclusion of Indigenous women, girls, and 2SLGBTQQIA+ people in all decision-making processes, guiding policy formulation and implementation.

Accelerate Implementation of the 231 Calls for Justice: Fully and transparently implement the Calls for Justice, with clear timelines, plain-language public progress reports, and details on funding allocations and funding distribution.

Increase Support for Indigenous Women- and 2SLGBTQQIA+ -Led Initiatives: Provide long-term, equitable financial support for Indigenous women- and 2SLGBTQQIA+-led organizations to implement programs addressing violence prevention, economic empowerment, and access to justice.

Develop Gender-Responsive COVID-19 Recovery Plans: Ensure that all pandemic recovery efforts include a gender perspective, addressing the specific needs of Indigenous women, girls, and 2SLGBTQQIA+ people.

Invest in Health and Social Services: Expand access to healthcare, housing, and social services for Indigenous women, girls, and 2SLGBTQQIA+ people, disproportionately affected by the pandemic.

Monitor the Impact of COVID-19 Recovery: Establish mechanisms to monitor and evaluate the long-term impacts of COVID-19 on Indigenous women, girls, and gender-diverse individuals, ensuring recovery efforts reduce inequalities.

Implementation of CEDAW Convention

Canada's Obligations under CEDAW

Canada ratified the CEDAW Convention to commit to eliminating all forms of discrimination against women. Articles 1-16 of the Convention outline the specific obligations of the State to protect women's rights, with a focus on equality in public life, education, employment, healthcare, and access to justice. However, NFSC's contribution reveals that Indigenous women, girls, and 2SLGBTQQIA+ people continue to face systemic violence and discrimination, signaling gaps in Canada's implementation.

Challenges in Indigenous Women's, Girls', and 2SLGBTQQIA+ Individuals' Rights under CEDAW

The CEDAW General Recommendation No. 39 emphasizes the intersectional nature of discrimination faced by Indigenous women, girls, and 2SLGBTQQIA+ individuals stemming from gender, race, colonialism, and socio-economic marginalization. The NFSC points to Canada's failure to integrate this intersectional approach into its human rights strategies, perpetuating the marginalization of these groups. General Recommendation No. 39 calls on states to recognize Indigenous women's, girls', and 2SLGBTQQIA+ individuals' rights as human rights.

Recommendations

Mandate CEDAW Principles in National Policies: Canada must ensure the full implementation of General Recommendation No. 39, specifically recognizing Indigenous women, girls, and 2SLGBTQIA+ individuals as Rights Holders.

Implement Gender-Responsive Budgeting: National and regional budgets should assess their impact on Indigenous women, and 2SLGBTQIA+ individuals, ensuring CEDAW obligations are met.

Provide Resources for Legal Aid and Access to Justice: Legal gaps that limit Indigenous women's, girls', and 2SLGBTQIA+ individuals' access to justice must be addressed. Culturally appropriate legal services should be made widely available, as required under CEDAW Article 2(c).

Canada's Written Replies to the List of Issues

Surface-Level Responses without Addressing Root Causes

Canada's written replies to the CEDAW List of Issues emphasize actions taken toward gender equality, such as gender-based violence prevention and Indigenous women's protection. However, the NFSC highlights that these responses often focus on surface-level metrics rather than addressing the root causes of issues, such as colonial violence, poverty, and systemic discrimination. CEDAW General Recommendation No. 19 calls on states to address these root causes, which perpetuate gender-based violence.

Partnerships with Indigenous Impacted Families, Survivors, Women, Girls, and 2SLGBTQIA+ People

The NFSC Contribution underscores the importance of building real partnerships with Indigenous families impacted by MMIWG2S+, survivors of gender- and race-based violence, and Indigenous women, girls, and 2SLGBTQIA+ people to co-create solutions that address systemic issues. While Canada's replies acknowledge the importance of gender equality, they fall short of fully recognizing the need for Indigenous-led solutions. Without these partnerships, government initiatives remain reactive rather than preventative.

Recommendations

Strengthen Partnerships with Indigenous Women, Youth, and 2SLGBTQIA+ People: Canada's efforts to address Indigenous women's safety must include meaningful consultation and participation of Indigenous women, female and 2SLGBTQIA+ youth, and 2SLGBTQIA+ people at every stage of decision-making.

Focus on Prevention, Not Reaction: Prioritize preventative frameworks and strategies that address root causes like poverty, housing insecurity, systemic discrimination, and colonial violence.

Strengthen Accountability: The government's written responses should be coupled with clear action plans and transparent progress reports. The appointment of an independent monitoring body to oversee the implementation of CEDAW recommendations is essential.

Implementation of Previous CEDAW Concluding Observations

Slow Progress on Key Recommendations

In its previous concluding observations, the CEDAW Committee urged Canada to take stronger action on Indigenous women's rights, especially addressing gender- and race-based violence. The NFSC highlights slow progress in Canada's response, particularly in implementing the Calls for Justice from the MMIWG National Inquiry. Specific Calls such as Call 1.1 (UNDRIP), Call 1.7 (Annual Progress Reports), and Call 1.10 (National Indigenous Human Rights Ombudsperson) have seen limited progress, undermining the protection of Indigenous women's rights.

Critical Delays in Key Calls for Justice

Call 1.1 (UNDRIP): Despite its endorsement, UNDRIP has not been fully integrated into Canada's legal framework.

Call 1.7 (Annual Progress Reports): The lack of comprehensive annual progress reports limits transparency and public accountability.

Call 1.10 (National Indigenous Human Rights Ombudsperson and National Indigenous and Human Rights Tribunal): Without an Ombudsperson and Tribunal, there is no oversight mechanism to address systemic human rights

violations against Indigenous women, girls, and 2SLGBTQQIA+ individuals.

Recommendations

Urgent Action on Calls 1.1, 1.7, and 1.10: Prioritize these Calls to ensure that Indigenous women, girls, and 2SLGBTQQIA+ people, impacted families of MMIWG2S+, and survivors of gender- and race-based violence, have the necessary legal protections and oversight mechanisms.

Institutionalize Reporting Mechanisms: Require all levels of government to regularly publicly report on progress toward implementing CEDAW's recommendations, with a focus on Indigenous women's, girls', and 2SLGBTQQIA+ individuals' rights.

Establish Accountability Mechanisms: Create a National Indigenous Human Rights Ombudsperson with the authority to investigate human rights violations against Indigenous women, girls, and 2SLGBTQQIA+ people.

Priority Concerns and Country-Specific Recommendations

Inclusion of Indigenous Women, Girls, and 2SLGBTQQIA + Individuals as Rights Holders

The NFSC and CEDAW General Recommendation No. 39 emphasize the need to recognize Indigenous women, girls, and 2SLGBTQQIA+ people as Rights Holders, not merely victims. Despite commitments to inclusion in the Federal Pathway Reports (2022, 2023, 2024), progress has been limited. These reports often frame Indigenous communities as recipients of government programs, rather than equal partners in policy design and decision-making.

Slow Progress on Implementing the 231 Calls for Justice

The Federal Pathway Reports demonstrate minimal progress on critical Calls for Justice, including Call 1.1 (UNDRIP), Call 1.7 (Progress Reporting), and Call 1.10 (Ombudsperson). The slow implementation of these Calls violates CEDAW Article 2(b) and General Recommendation No. 39, which require states to take immediate, effective action to protect Indigenous women's rights.

Recommendations

Mandatory Inclusion in Policy Design: Indigenous women, girls, and 2SLGBTQQIA+ people must be directly included in all levels of decision-making. Their voices should guide policy formulation and implementation.

Accelerate Implementation of Calls for Justice: Fully and transparently implement the Calls for Justice, with clear timelines, plain-language public progress reports, and details on funding allocations and funding distribution.

Increase Support for Indigenous Women- and 2SLGBTQQIA+ -Led Initiatives: Indigenous women and 2SLGBTQQIA+ people -led organizations must receive equitable, long-term, and sustainable financial support to develop and implement programs addressing violence prevention, economic empowerment, and access to justice.

Impact of COVID-19 on Women's Rights and Gender Equality

Disproportionate Impact on Indigenous Women, Girls, and 2SLGBTQQIA+ People

The COVID-19 pandemic has disproportionately affected Indigenous women, girls, and 2SLGBTQQIA+ people, exacerbating existing inequalities in access to healthcare, employment, housing, and education. The Federal Pathway Reports acknowledge that Indigenous communities have faced heightened vulnerabilities due to the pandemic, yet there is insufficient evidence that the gender-specific impacts of COVID-19 on Indigenous women, girls, and 2SLGBTQQIA+ people were adequately addressed.

Lack of Gender-Responsive Recovery Plans

The pandemic recovery plans in Canada have failed to fully integrate a gender perspective, particularly concerning Indigenous women, girls, and gender-diverse individuals. This lack of focus violates CEDAW Article 3, which requires states to ensure women's full development and advancement in all fields, including during national crises.

Recommendations

Develop Gender-Responsive COVID-19 Recovery Plans: Ensure that all pandemic recovery efforts include a gender perspective, addressing the specific needs of Indigenous women, girls, and 2SLGBTQQIA+ people.

Invest in Health and Social Services: Expand access to healthcare, housing, and social services, with an emphasis on supporting Indigenous women, girls, and 2SLGBTQQIA+ people who have been disproportionately affected by the pandemic.

Monitor the Impact of COVID-19 Recovery: Establish mechanisms to monitor and evaluate the long-term impacts of COVID-19 on Indigenous women, girls, and gender-diverse individuals, ensuring that recovery efforts do not perpetuate existing inequalities.

Conclusion: Ensuring Rights-Based Accountability

Canada's efforts in implementing CEDAW have seen some progress, but significant gaps remain, particularly in protecting and upholding the rights of Indigenous women, girls, and 2SLGBTQQIA+ people. The slow progress on implementing the 231 Calls for Justice, the absence of meaningful accountability mechanisms, and the disproportionate impact of the COVID-19 pandemic on Indigenous women, girls, and 2SLGBTQQIA+ people, all point to the need for urgent, systemic change. The recommendations outlined here emphasize the importance of adopting a rights-based approach that centers families impacted by MMIWG2S+, survivors of gender- and race-based violence, and Indigenous women, girls, and 2SLGBTQQIA+ people, as active Rights Holders and ensures that Canada meets its international obligations under CEDAW.