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Violence Against Indigenous Women in Canada: The Struggle to Foster Human Rights Through Government Policy

In Canada, violence against Indigenous women has historically been a pervasive issue. Recently, as media attention has been drawn to the abuse of the right to life, liberty, and security of person, the issue has become increasingly urgent. Indigenous women and girls — including female-identifying Indigenous peoples — are disproportionately victims of violence, with significantly higher rates of disappearance and homicide compared to non-Indigenous women. Although activism efforts have grown rapidly in recent decades, the impact of violence creates enduring problems for Indigenous tribes. The violence ultimately contributes to intergenerational trauma and perpetual marginalization, keeping Indigenous tribes in subordinate positions.

I argue that despite the government's efforts to provide meaningful solutions, government policies have primarily failed to adequately protect Indigenous women from violence. This failure is a blatant violation of human rights, including the protections delineated in the Universal Declaration of Human Rights (UDHR). To support my contention, I detail the nature of the debate, discuss Jack Donnelly's analysis of universal human and group rights, highlight the tension between government policy and the UDHR, and examine the basis of government response. Although upholding human rights of marginalized communities often proves challenging, it is non-negotiable.

The Scale of Violence Against Women

The scale of the violence against Indigenous women from the predominant Canadian tribes — First Nations, Inuit, and Métis — is difficult to fathom. According to the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), various studies

conducted between 1989 and 2014 show that between 70% and 95% of Indigenous women in Canada are “living in a situation of violence or have experienced violence in the past” (MMIWG, 2019). In 2021, the Royal Canadian Mounted Police (RCMP) released a report that indicates that 1,017 women and girls identified as Indigenous were murdered between 1980 and 2012, which is a homicide rate roughly 4.5 times higher than the average for women in Canada. In addition, the report states that as of November 2013, a minimum of 105 Indigenous women and girls remain missing under “suspicious circumstances or undetermined reasons.” While Indigenous women and girls represent only 4% of the female population in Canada, the RCMP estimates that they make up 16% of all female homicide cases (Amnesty International, 2021). Furthermore, Statistics Canada (2022), which is an agency commissioned by Parliament, disclosed that over 40% of Indigenous women are sexually assaulted before they reach 15-years-old.

Yet, despite these strikingly high percentages, the findings likely underestimate the scope of violence. For one, many Indigenous women are disinclined — for good reason — to reveal their violent experiences with researchers. Second, the RCMP has been intentionally opaque about publicly identifying the Indigenous status of victims. For example, Statistics Canada reports that in 2009, police records “failed to note whether the victims of crime were Aboriginal or non-Aboriginal in 384 out of 610 homicides” (Amnesty International, 2021). No matter the exact accuracy of the data, it is apparent that Canada is dealing with a widespread, systemic problem — one that is more endemic in Canada than any other country.

The Nature of the Debate

The issue of violence against Indigenous women in Canada encompasses numerous historical, social, political, and cultural factors that contribute to its ongoing prevalence. Many Indigenous activists contend that systemic discrimination and racism have contributed to the high rates of violence experienced by Indigenous women. The particularly salient source of oppression was the establishment of residential schools in the 1880s. Indigenous children were

forcibly removed from their families and communities to attend these mandatory church-operated schools that aimed to assimilate Indigenous children into Euro-Canadian culture. Murray Sinclair, a retired member of Canada's Senate, claimed in a *New York Times* article (2022) that “well beyond 10,000” Indigenous children died at these residential schools. The last school did not close until 1996, and the legacy of neglect, abuse, and cultural erasure has permeated into modernity. Since the residential schools were a tool for cultural genocide and majorly disrupted traditional community structures, the impacts continue to contribute to a lack of understanding of Indigenous women's experiences, a breakdown in social support systems, and a cycle of intergenerational trauma; this leads to the perpetuation of harmful stereotypes, trauma-induced substance abuse and mental health challenges, and resource contestation (Talaga, 2017). Consequently, these factors coalesce to cause severe violence against Indigenous women.

Due to the systemic nature of the contributing factors, most advocates agree that the solution to stemming the violence will come from government action that addresses the enduring underlying issues. This is particularly true in the Northwest Territories and Nunavut, where the remote geography of these northern communities makes it difficult for Indigenous women to access support resources and justice services (James-Abra, 2022). However, many Indigenous communities argue that government policies do not properly address the root causes of violence, and that the government must respect the Indigenous approach to justice and healing, instead of imposing Western ideals on the process.

Donnelly's Universal Declaration Model of Human and Group Rights

The issue of violence against Indigenous women in Canada emphasizes the tension between universal human rights and the recognition of group-specific rights. While the Universal Declaration of Human Rights affirms the inherent dignity and equal rights of all human beings — regardless of race, ethnicity, or gender — Indigenous tribes have also articulated the necessity of group-specific rights (UDHR, 1948). To Indigenous tribes, government recognition of their

distinct histories, cultures, and languages is essential for the protection of their collective rights to sovereignty and self-determination. In the case of violence against Indigenous women, the denial of Indigenous group rights has subsequently exacerbated the denial of individual human rights. As Donnelly argues, in order to make major strides, the relativity of human rights must be acknowledged: Indigenous cultural differences must be accepted for the individuals to receive protections.

The Rationale and Efficacy of Government Policy

In recent years, the Canadian government has taken significant steps to address the issue of violence against. In 2019, the Canadian government concluded a four-year national inquiry into missing and murdered Indigenous women and girls, proposing 231 recommendations for fixing structural causes of violence. These recommendations related to topics such as education, employment, poverty, mental health, and housing security, and led to the development of a National Action Plan to “address violence against Indigenous women, girls, and LGBTQ and two-spirit people.” The plan intends to increase data collection and provide increased support for victims (Government of Canada, 2022). The government has also been providing funding to Indigenous organizations to aid tribal-led initiatives. In 2021, the government promised \$2.2 billion over five years to support Indigenous-led health, healing, and wellness initiatives. Finally, the government has slowly been introducing legislation to improve the criminal justice system. For example, an unprecedented bill in 2019 — the Federal Prompt Payment of Support Bill (S-3) — requires judges to “consider the unique circumstances of Indigenous women” when determining bail and sentencing parameters (Zimonjic, 2022). Despite these efforts, there are still significant gaps between government policy and the protection of human rights.

In general, the inefficacy of government policy results from the conflict between national government interests and UDHR protections. For example, the government has repeatedly promised to reconcile with Indigenous tribes, yet the efforts are overshadowed by the

government's attempts to assert its sovereignty over Indigenous lands and resources. Similarly, when violent crimes against Indigenous women take place, the government often focuses on the law enforcement and criminal justice responses, thus overlooking the systemic causes of the violence (Human Rights Watch, 2021). Overall, despite the relative clarity and universal acceptance of UDHR principles, the Canadian government has justified their minimal intervention against Indigenous oppression by referencing national interest arguments.

One predominant cause of tension is that the government has tended to prioritize corporate interests, like oil companies, over Indigenous communities. Historically, there has been minimal consultation with Indigenous communities when developing policies to address violence, despite calls from Indigenous women for a more culturally-sensitive and holistic approach to prevention (Kusnetz, 2021). Instead, the government has opted to maximize natural resource extraction and corporate profit, no matter the repercussions on the Indigenous tribes that live near these operations.

Overall, it is apparent that government policy has been driven by growing media coverage of the human rights abuses and increasing public support of reconciliation efforts. In 2016, the Environic Institute found that more than eight in ten people thought that the government should be doing more for Indigenous communities (Galloway, 2016). Yet, the desire for an efficient response that quickly appeases the public has meant that policy has been top-down, insufficiently responding to the specific needs articulated by tribal communities.

Conclusion

The omnipresent violence against Indigenous women in Canada is becoming increasingly devastating, even though it is entirely preventable through calculated, altruistic government policy. Ultimately, combatting this violence is not as simple as upholding the UDHR; it is also a matter of recognizing and reconciling the enduring consequences of racism, discrimination, and colonialism. In order to ensure successful prevention, the government must implement policies

that work in partnership with Indigenous communities and prioritize the protection of individual rights over national interests.

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