



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Observations of the Government of Canada on the report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*

I. Introduction

1. Canada would like to thank the Committee for its work in preparing the draft “Report of the Committee on the Elimination of Discrimination against Women on the Inquiry on Canada” (the Report) and for its interest in the situation of missing and murdered Aboriginal women. Canada hereby submits its response, pursuant to Article 8(4) of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (the Convention).

2. Canada has cooperated fully with the Committee throughout the inquiry, including during its visit to Canada. Canada has provided extensive information to the Committee on federal, provincial, territorial and intergovernmental initiatives aimed at ensuring the safety and well-being of Aboriginal women and girls across the country, including in its Response to the Follow-Up Questions of the Committee concerning its inquiry dated 15 January 2014 (Annex 1A). Canada’s continued cooperation throughout the inquiry procedure demonstrates the seriousness with which it takes its international human rights obligations, including the inquiry process set out in Article 8 of the Optional Protocol.

3. This response reflects the considered views of the Government of Canada, in consultation with the provinces and territories. In it, Canada wishes to comment briefly on the Report and highlight some of the significant actions taken to further enhance its response to the issue since the Committee’s visit in September 2013. Also outlined are key federal, provincial and territorial measures that address issues raised in the Committee’s recommendations.

Note: The present document is being circulated in the languages of submission only.

* The present document is being issued without formal editing.



4. While the Committee's recommendations are non-legally binding, Canada is committed to respecting its international human rights obligations and gives serious consideration to the recommendations and views of human rights bodies. Canada has carefully examined and commented on each of the Committee's recommendations and wishes to convey to the Committee that, while it may disagree with some of its overall findings, these disagreements in no way diminish its strong commitment to improving the lives of all Aboriginal peoples in Canada and to achieving real and lasting change for Aboriginal peoples, including Aboriginal women.

II. Overall Comments on the Report

5. The disappearances and murders of Aboriginal women in Canada, and the devastating impact of these tragedies on families and communities across our country, continue to be of great concern to all levels of government in Canada, to Aboriginal organizations and communities, and to Canadian citizens. Canada is committed to taking appropriate steps to address the causes of violence against women, in accordance with its obligations under the Convention and is working actively toward this objective. Canada is committed to ensuring that those who commit crimes or re-offend face the full force of the law.

6. Notwithstanding this deep commitment, Canada must note that it has a number of serious concerns with the Report. In particular, Canada does not accept the Committee's conclusion that it has gravely violated the rights of Aboriginal women and their families under the Convention. The Committee has failed to demonstrate the specific failure(s) of Canada to fulfill its direct obligations under the Convention. It is not sufficient to note the State's specific obligations and assert a general reflection that it has failed to meet those obligations. Where the obligation is to take appropriate measures, the assessment ought to offer an analysis of how the measures that have been taken are not appropriate.

7. As noted, Canada takes its international human rights obligations seriously. The direct obligations under the Convention are clear. Canada maintains that these obligations have been fulfilled. Canada accepts that articles 2(c) and (e) of the Convention require State Parties to take appropriate and effective measures to overcome all forms of sex- and gender-based discrimination that fosters violence against women, whether by public or private actors. Canada notes that the Committee has interpreted this obligation as requiring a State to diligently prevent, investigate, prosecute and punish gender-based acts of violence against women and to provide for reparation. The issues examined in this inquiry do not demonstrate that Canada has failed to diligently prevent, investigate, prosecute and punish gender-based acts of violence against Aboriginal women. Rather, Canada has demonstrated throughout the inquiry process the extent to which it considers this issue to be of grave concern and, consequently, the extent of the measures being taken to address it.

8. As detailed below, close to 90 per cent of all cases of missing and murdered Aboriginal women in Canada have been solved and investigations are ongoing. Canada is attentive to the importance of prevention, and has taken concrete action in this regard, which is perhaps the most challenging aspect of the obligation. This includes improvements to the socioeconomic conditions of Aboriginal peoples and

continued targeted action, in consultation with the provinces and territories, Aboriginal organizations and other stakeholders, to enhance prevention efforts, assist victims and their families, and improve the well-being of Aboriginal Canadians.

9. Canada acknowledges that more work is needed to prevent further gender-based acts of violence against Aboriginal women, as well as to improve investigation and prosecution of such cases. Canada does not accept, however, that the State has so wholly failed in its obligations to take appropriate and effective measures so as to constitute a grave violation of the rights of Aboriginal women under the Convention.

10. Canada also notes that the Committee has not accorded sufficient weight to a number of significant and crucial actions designed to address the issue of missing and murdered Aboriginal women, some of which, while initiated subsequent to the Committee's visit, were brought to the Committee's attention prior to the issuance of the Report. These measures will be described in detail in Part III, below.

11. Canada regrets that the Committee has misconstrued the collaborative nature and effect of federalism in Canada. Legislative power in Canada is, according to the Canadian Constitution, divided between Parliament and the provincial legislatures. In other words, the provincial heads of power are not delegated by the Government of Canada to the provinces, but rather assigned directly to them in the Constitution. Working within Canada's chosen constitutional system, the Government of Canada and all thirteen provinces and territories collaborate in a meaningful way, through complementary laws, policies and programs, to protect the rights and freedoms of people in Canada, including by implementing Canada's international human rights obligations. Federal, provincial and territorial governments work together, within their respective areas of responsibility, to deliver strong protections across the country, with the flexibility to meet local community needs. In practice, rather than impeding the effective implementation of international obligations, this creates a multiplier effect in strengthening Canada's human rights framework and realizing the common goal of increasing human rights protection across the country.

12. With this in mind, Canada notes that federalism has not been relied on as an excuse for not having met its obligations, which it maintains it has met. Rather, federalism has been identified in Canada's submissions as an explanation of why Canada has not pursued, based on its constitutional system, measures that are national in scope. Where the Committee has recommended that national mechanisms be put in place to respond to its recommendations, and the measures employed by federal, provincial and territorial governments in Canada, while equally effective and complementary, are not national, Canada has accepted these recommendations in part on that basis. This does not mean, however, that Canada does not consider important the objectives of these recommendations and is not taking equally effective measures to achieve them, but only that the measures employed may differ in scope from those envisaged by the Committee.

13. Canada reiterates, as set out in its November 2010 Statement of Support for the UN Declaration on the Rights of Indigenous Peoples (Declaration), that it supports the Declaration within the framework of Canada's Constitution and laws. Canada recalls that it has placed on the record its concerns with various provisions of the Declaration, including that of free, prior and informed consent when used as a veto. While the Declaration is not legally binding and does not reflect customary

international law or change Canadian laws, with its Statement of Support, Canada reiterated its commitment to continue working in partnership with Aboriginal peoples in creating a better Canada.

14. Finally, Canada brings to the Committee's attention serious factual or legal errors present in the Report (Annex 1B). While the purpose of this response is not to provide a comprehensive list of suggested corrections, the corrections are provided to support the Committee to undertake a more detailed review of its Report before it is made public.

III. Recent Action to Combat Violence against Aboriginal Women

15. Canada refers the Committee to paragraphs 4 to 134 of its follow-up submission, dated January 15, 2014 (Annex 1A), for a thorough description of Canada's efforts to prevent and combat violence against Aboriginal women and girls. These measures will not be repeated here. This part of the submission will focus, rather, on recent efforts undertaken since the Committee's visit that are directly responsive to the needs of Aboriginal women. These recent efforts mirror, and are directly in line with, many of the Committee's recommendations. As detailed below, existing and new initiatives are underway across the country to improve the individual and community well-being of Aboriginal women and girls, on- and off-reserve.

Federal, provincial, territorial Draft Justice Framework to Address Violence against Aboriginal Women and Girls

16. In November 2013, federal, provincial and territorial Ministers Responsible for Justice and Public Safety approved the draft Justice Framework to Address Violence Against Aboriginal Women and Girls for public release. The draft Framework is intended to help federal, provincial and territorial justice officials, Aboriginal organizations, and other partners work together across the country, as well as within their respective jurisdictions, to find local solutions to address the serious issue of violence against Aboriginal women and girls.

17. Federal, provincial and territorial governments are in the process of engaging Aboriginal groups and other stakeholders in discussions about further development of the draft Framework. The feedback received to date indicates that there is general agreement with many of the suggested justice system priorities. Socioeconomic conditions, public education, engagement of men and boys, and greater integration of service delivery are some of the broader issues under consideration.¹

18. Recognizing the need for further targeted action to address violence while discussions about the Draft Justice Framework continue, Justice and Public Safety Ministers have agreed to the following areas of focus for 2014-2015:

- taking action to change attitudes that lead to violence against women, including Aboriginal women;
- monitoring and supporting continuing police efforts to investigate the 225 unresolved cases of missing and murdered Aboriginal women and girls;

¹ For further information on the October 2014 progress report, please see: <http://www.scics.gc.ca/english/Conferences.asp?a=viewdocument&id=2246>.

- encouraging and supporting community-led, culturally-responsive approaches to prevent and respond to violence, such as community safety planning;
- improving responses to violence, through greater integration and coordination of programs and services within government and in the community;
- pro-actively collaborating across multiple sectors to address causes of violence; and
- tasking justice officials with continuing to collaborate with each other and share information about promising practices to address violence against Aboriginal women and girls.

19. The Ministers have agreed to report back on progress made in these key areas in the fall of 2015.

Provincial/Territorial Framework for Coordinating Action to End Violence against Aboriginal Women and Girls

20. In May 2014, the Aboriginal Affairs Working Group (AAWG) of provincial and territorial Ministers responsible for Aboriginal Affairs and National Aboriginal Leaders from five National Aboriginal Organizations approved the Framework for Co-ordinating Action to End Violence against Aboriginal Women and Girls, which identifies key priorities and a menu of possible options for implementation. Since 2009, the AAWG has provided national leadership and worked on a number of priority areas, including ending violence against Aboriginal women and girls. Additional information on the work of the AAWG as it relates to the issue of missing and murdered Aboriginal women is provided at paragraphs 58 to 61 of Canada's follow-up submission.

Updated Data on Incidents of Missing and Murdered Aboriginal Women in Canada

21. In May 2014, the Royal Canadian Mounted Police (RCMP) released a National Operational Overview on Missing and Murdered Aboriginal Women.² While this overview was not available at the time of the visit, it was provided to the Committee for its consideration prior to the issuance of the Report. Based on thorough research by the RCMP covering a 30-year period, the Operational Overview provides a comprehensive, reliable analysis of police-reported incidents of missing and murdered Aboriginal females in Canada. The findings in the statistics indicate that while Aboriginal women represent 4.3 per cent of the population, they account for 16 per cent of all homicides and 11.3 per cent of the disappearances.

22. Police-recorded incidents of Aboriginal homicides and unresolved missing Aboriginal female investigations in the review total 1,181: 1,017 murdered Aboriginal females from 1980-2012 and 164 missing Aboriginal females, dating back to 1952. The report establishes that the majority of these cases have been resolved, and reveals a virtually identical homicide resolution rate for Aboriginal women (88 per cent) and non-Aboriginal women (89 per cent). There remain 225 unresolved cases: 120 unsolved murders between 1980 and 2012, and 105 missing women for more than 30 days as of November 4, 2013. It is noteworthy that the majority (92 per cent) of missing and murdered Aboriginal women knew their perpetrators, whether as an acquaintance or a spouse (this is also true for

² For further information on the Overview, see: www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.htm.

non-Aboriginal female victims). Aboriginal female victims were more likely than their non-Aboriginal counterparts to have a known history of previous family violence with their offender (which may or may not have been reported to police). Most of these offenders had criminal records involving prior acts of violence against their victims.

23. This overview represents the most comprehensive file-by-file review ever undertaken in Canada's history of the police-reported incidents of missing and murdered Aboriginal women. The identification of trends and circumstances surrounding these cases will serve to inform police and police partner agencies, enabling enhanced prevention and investigative efforts and accountability. In September 2014, the Canadian Association of Chiefs of Police (CACCP) and the Native Women's Association of Canada (NWAC) agreed to participate in partnership and to be constructive voices in developing solutions on this critical issue.

RCMP National Missing Persons Policy and Strategy

24. A recent enhancement to the RCMP National Missing Persons Policy directs that a missing person complaint will be accepted and acted upon by any detachment, regardless of jurisdiction. This includes any information, tips or leads regarding any missing person investigation. All reports of a missing person will be promptly and thoroughly investigated regardless of gender, age, race, national or ethnic origin, colour, religion, sexual orientation, belief, social standing or lifestyle. Under no circumstances will a complainant be advised that he/she must wait a specific period of time before a report of a missing person can be made. RCMP national policy and investigative procedures are in place to ensure that missing person complaints are given investigational priority and that all necessary measures are taken to locate missing persons.

25. The RCMP has also recently developed a national missing person's strategy to provide a foundation for a standardized organizational approach to missing person investigations that will focus on four key pillars: accountability, partnerships, prevention and supporting families. The strategy includes:

- updating the RCMP National Missing Person Policy incorporating established best practices;
- initiating the development and use of a mandatory national missing person intake form;
- implementing a mandatory national risk assessment tool as an investigative aid;
- ensuring supervision and guidance is provided on all missing person investigations;
- conducting interviews with located individuals to identify risk factors to inform prevention and early intervention measures;
- ensuring available victim services are provided to support the families; and
- providing ongoing and timely communication to the family or reporting party.

Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls

26. In February 2013, the House of Commons unanimously voted in support of the creation of a Special Committee of the House of Commons to review the serious issue of missing and murdered Aboriginal women and suggest practical solutions. The Committee issued its report in March 2014.³

27. In September 2014, in response to the Special Committee's recommendations and in line with its commitment in Budget 2014 for an additional \$25 million over five years to address violence against Aboriginal women and girls, the Government of Canada released the Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls.⁴ This Action Plan was informed by engagement with Aboriginal leaders, families and communities about actions required to better meet the needs of victims and their families.

28. Building on lessons learned through the Government of Canada's Seven-Step Strategy between 2010 and 2015, the Action Plan will bring together actions under three main pillars: (i) preventing violence by supporting community level solutions; (ii) supporting Aboriginal victims with appropriate services; and (iii) protecting Aboriginal women and girls by investing in shelters and continuing to improve Canada's law enforcement and justice systems. Overall, the actions reflected in the Action Plan will result in an investment by the Government of Canada of nearly \$200 million over five years. To oversee its implementation, the Government has struck a high-level oversight committee to ensure coordination of federal actions and to monitor their progress.

IV. Observations on the Committee's Recommendations

29. The following sets out Canada's response to the 38 individual recommendations formulated by the Committee in its Report. Canada reports that it supports all but four of the recommendations, that is, 34 of the 38 recommendations, either in full or in part, on the basis that federal, provincial and territorial governments are already implementing them through existing legislative or administrative measures and are committed to continuing to take steps to achieve them. In most instances where recommendations are accepted only in part, Canada supports the underlying objectives of the recommendations in question, but uses different mechanisms to achieve them within the confines of its constitutional system. Recommendations that Canada does not support are those that call for specific actions that governments have no current plans to undertake at this time.

A. Combating violence against Aboriginal women

30. Canada accepts in full the recommendations formulated under this general category, except for recommendations (iv) and (vi), which are accepted in part.

³ Invisible Women: A Call to Action, A Report on Missing and Murdered Indigenous Women in Canada: <http://www.parl.gc.ca/content/hoc/Committee/412/IWFA/Reports/RP6469851/IWFArp01/IWFArp01-e.pdf>.

⁴ For more information on the Action Plan, see: <http://www.swc-cfc.gc.ca/violence/efforts/action-eng.html>.

31. With respect to the first three recommendations, the RCMP and other police forces have demonstrated a strong commitment to, and investigative proficiency in, resolving cases of missing and murdered Aboriginal women. According to the RCMP National Operational Overview, the majority of all female homicides are solved (close to 90 per cent) and there is little difference in resolution rates between Aboriginal and non-Aboriginal victims. Recent successes include the investigation of four homicides by the RCMP in Prince George, British Columbia, which resulted in the conviction of an accused on four counts of first degree murder. It is also worth noting that the Vancouver Police Department's Missing Persons Unit has been recognized as a model practice in Canada, and has a solve rate for missing persons of over 99 per cent.

32. The RCMP has also developed a national missing person's strategy to provide a foundation for a standardized organizational approach to missing person investigations and recently amended its national Missing Persons policy. These initiatives are described above.

33. Other provincial/territorial jurisdictions, including the provinces of British Columbia, Saskatchewan, Manitoba, Quebec and Newfoundland and Labrador, also have missing person legislation, collaborative mechanisms and/or standards to respond to cases of missing persons, including missing Aboriginal women, and investigate all reports of missing and murdered persons accordingly. In response to the Missing Women Commission of Inquiry report (MCWI report), work is substantively underway or completed in British Columbia in line with most of the areas of the MCWI report. Actions are also underway to continue to improve policing services, including through a new *Missing Persons Act* that provides police with tools to help find missing people sooner, and the development of new cultural competency training. An example of the collaborative approach that is being undertaken to support an improved police response to cases of missing and murdered Aboriginal women is the work of the Saskatchewan Provincial Partnership Committee on Missing Persons, including the Saskatchewan Police Commission policy requiring all police forces operating in the Province to take a single approach similar to that set out for the RCMP nationally. In the province of Quebec, the 2012-2017 Quebec Government Action Plan on Domestic Violence proposed a separate Aboriginal component containing 35 measures designed to meet the needs of victims, stakeholders and communities for awareness, prevention and training. Additional information on the measures included in the 2012-2017 Action Plan is provided at paragraphs 123 to 124 of Canada's follow-up submission.

34. Canada refers the Committee to paragraphs 135 to 163 and 407 to 442 of Canada's submission for information on public awareness activities and sensitization campaigns on Aboriginal Canadians. In addition to these activities, in May 2013, the RCMP and the Native Women's Association of Canada worked together to raise awareness about the dangers of hitchhiking. In May 2013, the National Centre for Missing Persons and Unidentified Remains (NCMPUR) hosted an online campaign focusing on 5 missing children believed to be abducted by strangers, two of whom were Aboriginal girls. Following this campaign, in October 2013, RCMP National Aboriginal Policing Services, in partnership with the NCMPUR and various police forces, launched a week-long social media campaign as part of its efforts to help solve outstanding cases of missing Aboriginal women that were featured on the Canada's Missing website and encouraged the public to help in solving these cases. In August 2014, the RCMP, the Native Women's

Association of Canada and the Assembly of First Nations (AFN) partnered on an awareness campaign to support increased national efforts to prevent family violence and raise awareness about the importance of timely and thorough reporting of missing persons.

35. The Saskatchewan Provincial Partnership Committee on Missing Persons held a second annual Missing Persons week in May 2014. The first Missing Persons week in 2013 addressed myths about missing persons, including the fact that there is no waiting time before a person can be reported missing. The second week in 2014 identified some of the key reasons people go missing. In both years, some of the cases highlighted addressed the cases of missing Aboriginal men and women.

36. Further, the Ontario Provincial Police (OPP) has participated in various community initiatives to reduce violence against Aboriginal women, such as participating on committees led by First Nations communities that focus on awareness and programs to assist victims and offenders of domestic violence. In addition, the OPP has partnered, *inter alia*, with the chief coroners of Ontario and British Columbia in managing unidentified bodies to assist in locating missing persons, and with the Aboriginal Peoples Television Network to provide case information on missing Aboriginal men and women. It has also established the Missing Persons and Unidentified Remains Unit to support solicitation of all missing person cases and completion of case analyses. In Ontario, missing persons who remain unaccounted for 30 days after being reported are now deemed major cases for the purpose of inclusion on a provincial database. This database is used and accessed by police services, including some First Nations police services in Ontario.

37. Canada fully supports the objectives underlying recommendation (iv), but accepts it in part as this recommendation could unduly interfere in matters falling within provincial/territorial jurisdiction. Notwithstanding the above, these objectives are effectively met through the use of existing federal, provincial and territorial mechanisms that monitor the implementation of these protocols and policies and intervene based on their respective areas of responsibility. For example, the RCMP has in place a fair and efficient human resource system that focuses on addressing police conduct issues at the most appropriate management level. Allegations and complaints of police misconduct are treated very seriously by the RCMP. Failure of RCMP employees to abide by national and local policies may result in *Code of Conduct* or criminal charges depending on the nature of the act or omission. Further information on federal and provincial or territorial oversight mechanisms is provided at paragraphs 483 to 528 of Canada's follow-up submission.

38. Canada accepts recommendation (v), based on existing measures. In 2010, the RCMP established the NCMPUR to support and improve missing person investigations across Canada. The NCMPUR includes an experienced Aboriginal police officer to ensure a focus on missing Aboriginal persons.⁵ Further, in 2014, the Government of Canada announced \$8.1 million over five years, starting in 2016-17, with \$1.3 million per year ongoing, to create a DNA-based Missing Persons Index in support of the work currently undertaken by the RCMP. This index is intended to

⁵ For more information on the NCMPUR and Canada's Missing website, see: <http://www.canadasmissing.ca/about-ausujet/index-eng.htm>.

provide law enforcement agencies, coroners and medical examiners with a new tool to assist in their investigation of cases involving missing persons and unidentified remains and includes a compassionate component which would endeavour to bring some closure to the families of missing persons.

39. Recommendation (vi) is addressed under the heading “Victim Services”.

Data collection

40. Canada accepts this recommendation in part due to the challenges that Statistics Canada faces in collecting reliable data that identify victims and persons accused of homicide by Aboriginal identity. As part of the police-reported data holdings, police are requested to provide data on the Aboriginal status of both the victim of violent offences and the accused. However, given the difficulty in determining whether a victim or accused person is Aboriginal, as well as potential conflicts of interest with privacy legislation in various jurisdictions that may restrict the collection or further use or disclosure of this information, a number of police services have refused to collect any information on Aboriginal identity. Further, Statistics Canada’s police-reported crime data holdings do not include data on missing persons.

41. While Statistics Canada’s Homicide Survey has recorded Aboriginal identity of victims and persons accused of homicide since its inception in 1961, it was recently amended to make reporting easier for police services. In addition, the RCMP has implemented measures to continue collection of data to maintain current records of missing and murdered Aboriginal women. Statistics Canada is also encouraging other forces to identify Aboriginal origin in their homicide reporting and is working with its justice and public safety partners to identify and address gaps as required.

Police investigations and law enforcement

42. Canada accepts in full all of the recommendations under this heading. The RCMP is leading task forces across the country that are working collaboratively to actively review files of missing women, including Aboriginal women. These task forces are also developing best practices with respect to information sharing, file management, file coordination and disclosure to be shared with other investigative units. Additional information on these task forces and Canada’s efforts to prevent and combat violence against Aboriginal women is provided at paragraphs 4 to 134 of Canada’s follow-up submission.

43. The RCMP has programs to promote recruitment in Aboriginal communities, including recruitment of Aboriginal women. Further, the RCMP’s 17-week Aboriginal Pre-cadet Training Program exposes Aboriginal youth to the roles and responsibilities of the RCMP while allowing them to gain valuable hands-on experience.

44. In the Northwest Territories, the RCMP has recently filled its Aboriginal Proactive Recruiter position, and this individual will be traveling throughout the territory to actively recruit persons for all categories of jobs within the RCMP. RCMP officers who are transferred to a community in the Northwest Territories must participate in a community orientation program as soon as possible upon arrival. This engages the police officer in meeting, attending and working with

community residents including Elders at their homes, in their community, or at their formal gatherings.

45. The province of Prince Edward Island and the Department of Public Safety Canada currently participate in two RCMP First Nations Community Policing Service Agreements, one with the Lennox Island First Nation and one with the Abegweit First Nation. These agreements have been very successful at providing First Nation communities with services that are culturally-appropriate and accountable to the communities being served.

46. In Newfoundland and Labrador, the Royal Newfoundland Constabulary (RNC) maintains a regular relationship with Aboriginal organizations within the RNC policing jurisdiction. While the RNC jurisdiction does not include any Aboriginal reserves, the RNC actively recruits within the Aboriginal community. The RNC has increased the number of women police officers to 23.6 per cent of its total police strength.

Police complaints mechanisms

47. Canada accepts in full recommendation (i). Public trust and confidence are central to the success and effectiveness of a professional and accountable police force. Allegations and complaints of police misconduct are treated very seriously by the RCMP and by provincial and territorial police forces. Police in Canada can be held to account through three distinct but often interrelated processes: 1) internal code of conduct investigations; 2) review of complaint investigations by an external independent body; and 3) investigation by an external independent body led by a civilian following a serious incident (i.e., a death or serious injury, or allegations of sexual assault).

48. The *Enhancing Royal Canadian Mounted Police Accountability Act* establishes the Civilian Review and Complaints Commission for the RCMP. The Civilian Review and Complaints Commission for the RCMP makes findings and recommendations to the RCMP Commissioner that concern the conduct of an RCMP member while performing a policing duty or function and publishes complaint trends on its website. The legislation also enhances RCMP accountability and transparency by establishing a statutory framework for handling investigations of serious incidents (death or “serious injury” or public interest) involving RCMP members. All civilian special investigations units, including those in British Columbia, Alberta, Ontario, and Nova Scotia, are legally authorized to investigate allegations of sexual assault by the police. Comprehensive information on existing federal and provincial police accountability mechanisms is provided at paragraphs 483 to 528 of Canada’s follow-up submission.

49. With respect to recommendation (i)(b), the British Columbia Independent Investigations Office (IIO) is currently being evaluated by a Special Committee of the British Columbia Legislature. The results of this review will be issued to the Legislative Assembly in early 2015. Although its mandate is limited to conducting investigations of death or serious harm, s. 44 of British Columbia’s *Police Act* allows the Minister of Justice or the Director of Police Services to order an investigation into an alleged act, or an alleged omission, committed by any person appointed under the Act or a member of the RCMP.

50. Canada accepts in part recommendation (ii) because there are differences in approach among Canadian jurisdictions. Despite this, Canada supports the objective of this recommendation and has taken measures to achieve it. Complaint mechanisms to challenge police conduct exist at the federal level and in all provinces and territories, to which Aboriginal women have access to the same extent as other non-Aboriginal Canadians. Further, following consultations with the public and stakeholders, the Government of Canada introduced Bill C-32, the *Canadian Victims Bill of Rights Act* (CVBR), in April 2014. The CVBR seeks to create, for the first time in Canada's history, clear statutory rights at the federal level for all Canadians who are victims of crime. These include rights to information, protection, participation and restitution. The CVBR will also ensure that a complaint process is in place for breaches of these rights. The preamble of the VBRA recognizes that crime has harmful impacts on victims and society and that victims and their families deserve to be treated with courtesy, compassion and respect. The CVBR complements existing provincial legislation in this area.

Access to Justice

51. Canada accepts in full recommendation (i). The Government of Canada's Aboriginal Justice Strategy (AJS) provides support to Aboriginal community-based justice programs. These programs provide culturally-based alternatives to the mainstream justice system for less serious offences, in appropriate circumstances. They have been proven to play an important role in reducing crime and helping to address the over-representation of Aboriginal women and men in the criminal justice system by lowering the rate at which Aboriginal people re-offend. These programs enable Aboriginal people to assume greater responsibility for the administration of justice in their communities and reduce victimization. In Manitoba, the *Restorative Justice Act* has been adopted to support the participation of offenders in restorative justice. This Act has not yet come into force.

52. In Canada, the Correctional Service of Canada (CSC) is required by law to be responsive to the needs of women and Aboriginal peoples. While CSC has no control over the rate of Aboriginal people sentenced to federal custody, it continues to enhance its ability to respond to the needs of Aboriginal offenders through correctional interventions, specific cultural and spiritual programs and services and a sustained collaboration with Aboriginal communities.

53. The CSC has developed policies and programs and implemented innovative approaches and practices to best respond to the needs of these populations. CSC has made significant gains in addressing the needs of Aboriginal women offenders. For example, it has created 5 multi-level institutions for women and an Aboriginal Healing Lodge. The opening of Okimaw Ohci Healing Lodge in 1995, which provides culturally-appropriate programming and traditional healing practices, facilitated by Elders and Spiritual Advisors, marked the achievement of a major milestone towards meeting the healing and reintegration needs of this population. CSC also provides gender and culturally-specific programs for Aboriginal women. The Aboriginal Women Offender Correctional Programs (AWOCP) suite includes a program continuum unique to Aboriginal women offenders, referred to as the Circle of Care. All components of the AWOCP are grounded in culture and are assisted by Elders on a full-time basis.

54. Aboriginal Community Development Officers work with Aboriginal women offenders to develop plans for their release with the engagement and involvement of their families and/or communities. Aboriginal Community Liaison Officers support Aboriginal women offenders once released to ease the transition to the community and connect them to culturally-appropriate support, services and interventions.

55. Responsiveness to the needs of Aboriginal women is also ensured through communication and engagement with Aboriginal communities. CSC has established Aboriginal advisory committees at various levels of the organization whose recommendations address the unique needs of Aboriginal women offenders.

56. Canada accepts in part recommendation (ii). While Canadian governments at all levels view access to justice as fundamental to an effective and efficient justice system and work together to that end, legal aid services, for criminal and civil matters, are funded through provincial/territorial governments, who determine which types of services are offered by their legal aid agencies. Indeed, under Canada's Constitution, responsibility for criminal justice is shared between the Government of Canada, which has authority for criminal law-making and criminal procedure, and the provincial governments, which have authority for the administration of justice and for property and civil rights. In the territories, civil law matters are delegated to the territorial legislative councils through the specific territorial acts. The Government of Canada collaborates with the governments in provinces and territories to develop mutually agreeable solutions to address the challenges of delivering legal aid services in Canada.

57. The Government of Canada provides financial assistance to the provinces and territories toward the delivery of criminal legal aid services, as part of its direct responsibilities in the area of criminal law, and civil legal aid services, under the Canada Social Transfer (which may include services to Aboriginal women, the division of matrimonial property and child custody matters). In 2014-2015, the Government of Canada will transfer approximately \$12.6 billion through the CST to provincial/territorial governments to invest according to the needs and priorities of their residents, including by determining the design and delivery of civil legal aid programming.

58. Canada only accepts recommendation (iii) in part because the specific requirements for accessing remedies may differ from one jurisdiction to another. Nevertheless, the purpose of these remedies is the same: to ensure that individuals are able to access Canada's legal system where necessary. Canada supports a multi-disciplinary and multi-sectoral approach to preventing and addressing all forms of violence against Aboriginal women and girls, including by providing access to remedies for all acts of violence. All levels of government in Canada, working together with non-government organizations, have put in place initiatives that allow victims of crime to obtain redress through a comprehensive range of initiatives, programs and special measures, including criminal and civil legal aid, special programs for Aboriginal people, state-funded counsel, public interest funding and direct access to human rights commissions and/or tribunals. Further, Bill C-32, the proposed CVBR, provides clear statutory rights at the federal level for all Canadians who are victims of crime, including rights to information, protection, participation and restitution.

Victim Services

59. Canada accepts in part recommendation (i). The delivery of victim services, as part of the administration of justice, is the responsibility of provincial/territorial governments. While this results in differences in approach, thus rendering the development of “nationwide consistent standards” difficult, all provincial/territorial governments, as well as the Government of Canada, have agreed to abide by the same basic principles through the Canadian Statement of Basic Principles of Justice for Victims of Crime, signed by federal, provincial, territorial Ministers of Justice in 1988 and again in 2003.

60. Canada also accepts in part the aspects of the recommendation regarding the provision of support services to respond to the specific needs of Aboriginal women, including trauma support, and to increasing awareness as to the range of services available. While these are also matters that fall within provincial/territorial jurisdiction, the Government of Canada, in collaboration with provincial/territorial partners, has programs that seek to enhance victim services to meet the needs of Aboriginal victims and their families and undertakes awareness-raising through the National Victims of Crime Awareness Week, the Victim Services Directory, and the Victims Fund.

61. Manitoba’s *Victim’s Bill of Rights* currently specifies the rights of victims of the most serious crimes and ensures that their rights are recognized and protected in their dealings with police, prosecutors, courts and corrections officials. Further, Manitoba funds several community service agencies to provide culturally-appropriate support to victims of crime.

62. Ontario has dynamic victim services, similar to those in other provinces and territories, to meet the needs of victims of crimes, including domestic violence. Ontario is working with Aboriginal partners to design and implement services that address violence against Aboriginal women within communities, both on- and off-reserve. Further, in 2012-2013, the Ontario Native Women’s Association, the Ontario Federation of Indian Friendship Centres, the Métis Nation of Ontario and Independent First Nations continued work on pilot programs to develop culturally-relevant victim services for Aboriginal women and children victimized by violence. With support from the Ending Violence against Aboriginal Women (EVAAW) Fund, each Aboriginal partner is undertaking an initiative suited to the unique interests and needs of their communities. They all integrate Aboriginal values and beliefs and promote knowledge about the importance of culturally-relevant services. The Ontario Victims Services will extend the EVAAW Fund into 2014-2015.

63. Canada accepts in part recommendation (ii). The Government of Canada and provincial/territorial governments provide, within their respective areas of responsibility, culturally-appropriate violence prevention services, including shelters, counselling and rehabilitation programs, to meet the needs of Aboriginal women victims of crime and their families. Examples include the AJS, which provides culturally-appropriate alternatives to the mainstream justice system for less serious offences; regular workshops, based in traditional practices and values, that raise awareness in the community about violence against women and girls; monthly circles that support the restoration of Aboriginal women’s traditional cultural role in the family as keepers of sacred teachings and increase women’s awareness of their responsibility for and ownership of justice issues and dispute resolution in their communities; and similar circles for men to reinforce their own traditional roles and

address issues of violence against women. Recognizing the need for further targeted action to address violence, federal, provincial and territorial Justice and Public Safety Ministers have agreed, in 2014-2015, to focus action on, inter alia, encouraging and supporting community-led, culturally-responsive approaches to prevent and respond to violence, such as community safety planning, and improving responses to violence, through greater integration and coordination of programs and services within government and in the community. Federal, provincial and territorial Ministers have tasked justice officials with continuing to collaborate with each other and share information about promising practices to address violence against Aboriginal women and girls.

64. Canada accepts in full recommendation (iii). Following consultations with the public and stakeholders, in April 2014, the Government of Canada introduced the CVBR which, as described above, creates for victims of crime rights to information, protection, participation and restitution and ensures that a complaint process is in place for breaches of these rights.

Stereotyping

65. Canada accepts in full recommendation (i). Canada is committed to taking action to address issues of discrimination facing Aboriginal women. Canada has a strong legal and policy framework in place to discrimination, which includes prohibitions in the Canadian Constitution, human rights statutes, the *Criminal Code* and other legislation. Canada's framework also includes a wide range of measures to promote diversity and inclusion, such as bias-free policing policies, public education and training, and many programs and services specifically for Aboriginal peoples.

66. Public safety organizations are guided by clear policies and principles that address the unacceptable nature of discrimination or profiling. They also offer ongoing training to their officials and are committed to investigating and responding to any concerns and complaints in relation to alleged racial profiling. Police services also undertake outreach with minority communities to help build a culture of mutual trust and respect.

67. Within Canada's RCMP, bias-free policing and diversity training are offered beginning from the cadet entry level and continuing throughout a member's career. The first module of the 24-week RCMP Cadet Training Program includes 18.5 hours of in- and out-of-class learning on concepts such as diversity, prejudice, discrimination, ethics, human rights, and relevant legislation. Cadets also have opportunities to explore their own personal biases. In addition, the RCMP offers cultural sensitivity training, developed in consultation with Canadian minority groups.

68. In addition, the direct provision of services to Aboriginal women offenders described above includes work by the CSC to ensure staff cultural competence in order to eliminate stereotyping and discrimination. To that end, CSC has implemented an Aboriginal Human Resource Strategy that guides the recruitment, retention and promotion of Aboriginal staff throughout the organization as well as ensures Aboriginal cultural competence is integrated at every working level. Newly recruited Correctional Officers destined for women offender institutions receive a 10-day Women-Centred Orientation which includes a full day on Aboriginal Cultural Awareness. Furthermore, CSC provides information sessions to the Parole

Board of Canada on women offenders and Aboriginal offenders to increase awareness and help inform decision-making.

69. Canada accepts in full recommendation (ii). The Government of Canada is working with the province of British Columbia and other provinces and territories to ensure that their efforts are complementary. The federal, provincial and territorial Draft Justice Framework to Address Violence against Aboriginal Women and Girls, which is intended to help federal, provincial and territorial justice officials, Aboriginal organizations, and other partners work together to find local solutions to address the serious issue of violence against Aboriginal women and girls, reflects justice themes and priorities that federal, provincial and territorial jurisdictions have heard from Aboriginal organizations and other groups in earlier forums and reports and includes, as one of its themes, awareness and education. Federal, provincial and territorial governments are engaging Aboriginal groups and other stakeholders in discussions about the framework. As noted above, in October 2014, recognizing the importance of continued action, Ministers released a progress report which includes an overview of the status of the draft framework and examples of activities already underway to prevent and to respond to violence against Aboriginal women and girls. The progress report also identifies a series of further commitments to targeted action by federal, provincial and territorial Ministers during 2014-2015.⁶

70. The RCMP provides training that specifically advances an understanding of Aboriginal issues. Such training helps law enforcement personnel provide more culturally-appropriate policing services. Examples include: i) Bias-Free Policing training, which includes in-class and out-of-class instruction on concepts such as diversity, prejudice, discrimination, ethics, Canadian human rights history and legislation; ii) sensitivity training for front-line RCMP officers and employees, focusing on Aboriginal culture, spirituality and perceptions of law and justice; and iii) an online training course, entitled “Aboriginal and First Nations Awareness Training”, that is mandatory for all new members.

71. Judicial education for federally and provincially appointed judges is primarily coordinated through the National Judicial Institute (NJI), which has placed a strong emphasis on cultural sensitivity programs since its inception. Certain issues, including violence against women and children and Aboriginal issues, have been identified as deserving particular attention. Training is delivered through both stand-alone programs addressing social context themes and through the integration of social context modules in programs addressing substantive knowledge and judge/court craft. The NJI’s curriculum includes in-person and online courses, audio-video conferencing and webcasting.

72. In addition to the NJI’s efforts, certain provincial courts, such as in Manitoba, hold sittings in Aboriginal communities throughout the province. In many of these communities, Elders are regularly involved in the court process, such that judges of the Provincial Court have also acquired knowledge and understanding of Aboriginal culture and customs.

73. The Government of Canada also facilitates cultural sensitivity training for Crown counsel, prosecutors and staff, to increase understanding of violence against women, the particular challenges faced by Aboriginal women and best practices for

⁶ For a copy of the progress report, see: www.scics.gc.ca/english/Conferences.asp?a=viewdocument&id=2246.

dealing with vulnerable populations, such as Aboriginal women. In British Columbia, Saskatchewan, Manitoba, Ontario and the Northwest Territories, similar cultural sensitivity training is offered to Crown prosecutors and staff to foster a culture and spirit of inclusion. Extensive information on training is found at paragraphs 529 to 553 of Canada's follow-up submission.

Aboriginal women in prostitution and trafficking

74. Canada accepts in part recommendation (i). Following the Supreme Court of Canada's decision in *Bedford v. Attorney General of Canada*,⁷ which found three *Criminal Code* adult prostitution provisions unconstitutional and recognizing the significant harms that flow from prostitution, the Department of Justice Canada launched a month-long online public consultation on prostitution-related offences in Canada. Over 31,000 responses were received, including submissions from non-governmental organizations representing or assisting directly Aboriginal women and girls involved in prostitution. On 3 March 2014, individuals representing a cross-section of interest groups, including NWAC, submitted additional input through in-person consultations.

75. On 4 June 2014, the Government of Canada introduced Bill C-36, the *Protection of Communities and Exploited Persons Act*, which reflects a fundamental paradigm shift toward the treatment of prostitution as a form of sexual exploitation that disproportionately and negatively impacts women and children, including Aboriginal women and girls. These new legislative measures are aimed at reducing demand for sexual services, protecting those who sell those services from exploitation, and protecting communities and children from prostitution's harms, including violence, drug-related crime, organized crime and human trafficking. Bill C-36 strikes a careful balance between the interests of two vulnerable groups: those who are subjected to prostitution and children who may be exposed to it. While the Bill immunizes from criminal liability those who sell their own sexual services for any part they may play in most of the new prostitution offences, it also recognizes the need to protect vulnerable children from prostitution's harms by criminalizing communicating for the purposes of selling sexual services in public places that are or are next to school grounds, playgrounds or daycare centres.

76. Bill C-36 came into force on 6 December 2014. To complement these laws, the Government has announced \$20 million in new funding, over the next five years, to implement a range of social programming measures to assist those involved in prostitution and organizations that help them.

77. Canada accepts in full recommendation (ii). Bill C-36 treats sellers of sexual services as victims of sexual exploitation who need assistance in leaving prostitution and not punishment for the exploitation they have endured. The Government of Canada recognizes that entry into prostitution and remaining in it are both influenced by a variety of socioeconomic factors and existing vulnerabilities such as poverty, homelessness, youth, child sexual abuse and other forms of child abuse, lack of education and skills, and drug or alcohol addictions. Accordingly, the Government of Canada has announced \$20 million in new funding over the next five years to implement a range of social programming measures to assist sellers of sexual services in leaving prostitution and enable those working on the front-lines to

⁷ [2013] 3 S.C.R. 1101.

effectively address prostitution's harms. This new funding will complement other related federal initiatives, including the National Action Plan to Combat Human Trafficking, the National Crime Prevention Strategy, the Victims Fund, the AJS and other funding, described in greater detail in Canada's follow-up response.

78. In Alberta, the Action Coalition on Human Trafficking Alberta (ACT Alberta) coordinates services for victims of human trafficking, provides training to front-line service providers, engages and educates the public, researches and collects data on human trafficking and creates community-based responses to human trafficking. ACT Alberta works collaboratively with government agencies, law enforcement and non-governmental organizations to address the needs of victims of human trafficking. Trafficking is also a key issue being examined by the First Nations and Métis Women's Economic Security councils. Alberta's Ministry of Aboriginal Relations is leading a cross-ministry committee to review the councils' recommendations and how they could best be addressed. A sexual violence plan is also being developed to identify specific strategies to support Aboriginal communities to heal from sexual violence and to assist those wishing to exit prostitution.

79. Canada accepts in full recommendation (iii). The Government of Canada and some provinces have conducted research on human trafficking within Aboriginal populations. For example, Ontario funded the Ontario Native Women's Association to undertake research into the sexual exploitation of Aboriginal women through human trafficking. The resulting report recounts the experience of women in Thunder Bay, Ontario, who are survivors of the sex trade. Since 2012, Ontario's Joint Working Group on Violence against Aboriginal Women has constituted a Subcommittee on Human Trafficking comprised of provincial ministries and Aboriginal partners to examine and develop actions to address issues raised in the report.

80. The Ontario Women's Directorate has also funded an Aboriginal Sexual Violence Community Response Initiative, a pilot project to examine existing institutional responses and supports for Aboriginal women and girls who have experienced sexual violence in four communities in Ontario. This project is a collaborative effort with the Ontario Federation of Indian Friendship Centres, the Ontario Native Women's Association, the Métis Nation of Ontario, the Independent First Nations, and the Chiefs of Ontario. Opportunities to improve service coordination, promote prevention, and strengthen community responses to sexual violence are being explored.

81. In Manitoba, funding was provided to the Assembly of Manitoba Chiefs to raise awareness about human trafficking and sexual exploitation affecting Manitoba First Nations. Through that funding, the Assembly led and completed the initiative "Stand Strong: Prevent Human Trafficking, Stop the Sexual Exploitation of First Nations People", which involved development of a First Nations specific anti-trafficking strategy and "Our Circle to Protect Sacred Lives: Prevent Human Trafficking of First Nations Women and Girls", an ongoing initiative which provides awareness and prevention training to front-line service providers on human trafficking and includes the development of individual community action plans.

82. Prince Edward Island has developed a Human Trafficking Response Guide, which provides an integrated model of law enforcement and support services.

83. Canada accepts in full recommendation (iv). The first *Annual Report on Progress (2012-2013)* stemming from the National Action Plan to Combat Human Trafficking was released in December 2013. A second Annual Report (2013-2014) will be released in the coming months. Highlights from 2013-2014 include: the release of an exploratory study on the human trafficking of Aboriginal women and girls; the launch of a national public awareness campaign on the domestic sex trafficking of Aboriginal peoples living on- and off-reserve and in rural, urban and northern communities; and engagement and collaboration through a National Forum on Human Trafficking, attended by civil society, including Aboriginal youth and organizations, and all levels of government to support knowledge exchange, strengthen partnerships and inform policy responses.

84. The Government of Canada is developing a performance measurement strategy for the National Action Plan and has committed to an evaluation of the Plan in 2016-2017 to determine its effectiveness in addressing human trafficking in Canada, including the trafficking of Aboriginal women and girls.

85. Canada accepts in full recommendation (v). Through the National Action Plan, the Government of Canada continues to undertake and seek out new and innovative ways to enhance engagement and promote partnerships with civil society, including Aboriginal organizations, and governments at the local, regional, national and international levels to prevent human trafficking and support knowledge exchange.

B. Improving socioeconomic conditions of Aboriginal women

86. While Canada fully supports the goal of improving the socioeconomic conditions of Aboriginal people, including Aboriginal women, Canada accepts in part recommendation (i) as the taking of comprehensive measures in this area is a shared undertaking between federal, provincial and territorial governments and Aboriginal partners.

87. Since 2009, the Aboriginal Affairs Working Group has provided leadership on a number of priority areas, including ending violence against Aboriginal women, closing the graduation and income gaps, and improving emergency management. At the National Aboriginal Women's Summit in October 2014, the Aboriginal Affairs Working Group directed the development of a national socioeconomic action plan for ensuring that Aboriginal women achieve equity with other women in Canada.⁸

88. The negotiation of comprehensive land claim and self-government agreements supports better socioeconomic outcomes for Aboriginal people, including women, by removing barriers that hamper Aboriginal social and economic progress and damage relationships between Aboriginal people and governments. To date, the Government of Canada has signed 29 Final Agreements, with 26 of these representing Comprehensive Land Claim Agreements.

89. The Government of Canada, through Aboriginal Affairs and Northern Development Canada (AANDC), has a comprehensive suite of social programs that offer practical support to improve the socioeconomic conditions of Aboriginal people, including women both on- and off-reserve. For example, the on-reserve

⁸ For more information, please see: <http://www.aawgecdev.ca/main.html> and <http://www.scics.gc.ca/english/conferences.asp?a=viewdocument&id=2132>.

Income Assistance Program provides financial support to meet basic and special needs, while the Income Assistance Reform — Enhanced Service Delivery component connects young men and women to educational, training and job opportunities. Federal, provincial and territorial governments are also investing in Aboriginal skills development and training through various programs. The Government of Canada is investing in the Aboriginal Skills and Employment Training Strategy (ASETS) and the Skills and Partnership Fund (SPF). The ASETS provides \$1.68 billion over five years until 2015 to 84 Aboriginal service delivery organizations to design and deliver employment counselling and a wide variety of skills development and training activities. The SPF is funded at \$210 million over five years until 2015 and is intended to increase the skills and participation of Aboriginal people in the labour market by funding Aboriginal organizations to train Aboriginal people. The Government of Ontario has also provided funding to expand services to Aboriginal peoples across the province to connect them to effective education, training, pre-employment and employment services. In 2010-11, about \$10 million supported 39 projects in the province focused on pre-apprenticeship training, re-skilling and on-the-job training leading to sustainable employment of Aboriginal people in Ontario's energy, mining and green industry sectors. To support the priority of "sustainable communities", the Northwest Territories has committed to expand programs and public information on initiatives related to promoting employment opportunities. It has also committed to establishing a program to connect students directly with industry representatives and local role models to promote education and career development.

90. All provinces and territories have laws, action plans, policies and/or programs relating to poverty reduction, food security, housing, education and employment. For example, Ontario has specific programs for Aboriginal people including women and they are similar to programs and services offered by other provinces and territories.⁹ Joining eight other provinces and territories that have developed poverty reduction strategies, in early 2014, the Northwest Territories adopted the two-year Anti-Poverty Action Plan: Building on the Strengths of Northerners. As part of this Action Plan, the Northwest Territories have committed to increasing access to mental health and addictions services, including: an on-the-land early intervention healing pilot program; exploring options for mobile treatment; continuing access to southern treatment placements; developing options for withdrawal management in communities; and a social marketing campaign to create awareness of the services available and to motivate those who need the services to access them. The Government of the Northwest Territories has also committed to improving academic achievement, including through the Education Renewal Action Plan. In order to achieve safe and affordable housing, the Government has introduced a rent supplement program for low income residents in market rentals and revised the home ownership subsidy program. The Government has also committed to undertake a research project on the development of a "Housing First" model and to

⁹ Examples include: the *Poverty Reduction Act*, 2009 (www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_09p10_e.htm), enacted to establish mechanisms to support a sustained long-term reduction of poverty in Ontario; the Aboriginal Healing and Wellness Strategy, a cluster of over 460 community-based health, healing and anti-violence programs in urban and rural Aboriginal communities, both on- and off-reserve; and funding provided to expand services to Aboriginal people across the province to connect them to effective education, training, and employment.

implement an initiative to address issues with the “hard to house” in small communities where emergency or transitional housing is not available.

91. Canada accepts in full recommendation (ii). Comparative socioeconomic data for Aboriginal people (on- and off-reserve) are collected by Statistics Canada through the Census Program every 5 years. Through all its social surveys, Statistics Canada collects information that can be disaggregated by gender. Furthermore, the Surveys on Aboriginal Peoples Program, more specifically the 2012 Aboriginal Peoples Survey carried out by Statistics Canada for off-reserve Aboriginal people, and the First Nation Regional Early Childhood, Education and Employment Survey carried out by the First Nation Information Governance Centre (FNIGC) for on-reserve First Nation people, provide more in-depth information on the social and economic well-being of Aboriginal peoples. The FNIGC also conducts the Regional Health Survey for on-reserve First Nation people with information on the health and well-being of First Nations by gender.

92. Canada accepts, in part, recommendation (iii) as it relates to the following areas: anti-poverty, food security and housing strategies. While the Government of Canada will not adopt a national strategy to combat poverty or food security, in recognition of the provincial/territorial primary jurisdiction over social policy, most provinces and territories have adopted strategies and action plans in this regard. The Government of Canada remains committed to existing federal, provincial and territorial policies and programs in these areas and works closely with provincial/territorial governments, municipalities, First Nations, community groups, the private sector and other stakeholders to combat poverty, ensure food security and improve housing choice and affordability. In doing so, the Government of Canada provides support to First Nations and Inuit in their efforts to improve social well-being and economic prosperity, develop healthier, more sustainable communities, and participate more fully in Canada’s political, social and economic development.

93. AANDC works with First Nations to support affordable and adequate housing, clean drinking water and community infrastructure like roads and schools, essential to healthy, safe and prosperous communities. A main pillar of the Government of Canada’s effort to support community infrastructure for First Nations on reserve is the Capital Facilities and Maintenance Program, which totals approximately \$1 billion per year. These investments are intended to benefit all on-reserve residents, including women.

94. The Government of Canada also helps to reduce poverty in First Nations communities by providing a suite of education programs to support improved education outcomes. These programs help to ensure that First Nations youth on reserve, regardless of gender, have access to quality education that encourages them to stay in school and graduate with needed skills to pursue post-secondary education and enter the labour market. These programs ensure access to quality education for both male and female youth.

95. The Government of Canada is honouring its commitments to the existing social housing stock, has recently renewed the Investment in Affordable Housing to create new affordable housing, and has renewed the Homelessness Partnering Strategy (HPS) to reduce homelessness through a housing-first approach. The HPS supports projects that assist on- and off-reserve Aboriginal women fleeing domestic violence, who may be homeless or at risk of becoming homeless. The Government

of Canada also provides an estimated \$300 million a year to address housing needs on-reserve. Ninety per cent of CMHC's on-reserve programs and services are delivered by Aboriginal groups. Some \$116 million is also provided by CMHC annually to support housing needs of Aboriginal households living off-reserve.

96. Canada accepts in part recommendation (iii) as it relates to health services. Improving the health of Aboriginal people is also a shared undertaking between federal, provincial and territorial governments and Aboriginal partners.

97. The Government of Canada is taking action to increase access to culturally-appropriate health programs and services for Aboriginal people. This includes an annual investment of \$2.5 billion to support a number of key primary health care programs and services and supplementary health benefits for First Nations and Inuit. Regarding mental health services and counselling, as part of this funding, the Government is investing over \$236 million in 2014-2015 to support First Nations and Inuit communities through mental health and addictions programs and services. Programming includes mental health promotion, addictions and suicide prevention, counselling and other crisis response services, treatment and after-care services and supports to eligible former students of Indian Residential Schools and their families. Regarding drug dependency treatment, this includes the delivery of addictions prevention and treatment services through 44 addictions treatment centres as well as drug and alcohol prevention services in most First Nations and Inuit communities in Canada.

98. Canada continues to explore and pursue avenues for closer integration of culturally appropriate health programs and services for First Nations and Inuit communities. The Government of Canada has worked with partners on the development of a First Nations Mental Wellness Continuum Framework, which aims to: strengthen mental wellness programming; support integration between federal, provincial and territorial programs; and provide guidance to communities to adapt programs and services to their priorities. This framework is supported by the AFN. Work with Inuit partners to initiate a parallel process to develop an Inuit mental wellness continuum framework is ongoing. The Government of Canada also provides funding to support community-based groups to deliver comprehensive, culturally-appropriate prevention and early intervention programs that provide health and social support services to Aboriginal women and their families.

99. Canada accepts, in part, recommendation (iii) as it relates to safe drinking water. Governments in Canada have various legislative and regulatory measures in place governing drinking water. For example, the recently enacted *Safe Drinking Water for First Nations Act* represents a vital step towards ensuring that First Nations have the same health and safety protections for drinking water as other Canadians. In 2014, the Government has renewed \$323.4 million over two years in funding for action on safe drinking water for First Nations to continue implementation of the First Nations Water and Waste Water Action Plan. The Government is working with First Nations to develop regulations for water quality standards similar to those in place in other Canadian communities. The Government of Canada is also supporting First Nations in monitoring drinking water quality, providing guidance and advice about drinking water safety and wastewater disposal, and reviewing project proposals from a public health perspective.

100. While Canada supports the goals underlying recommendation (iii), it accepts it in part as transportation issues are matters falling within provincial/territorial

jurisdiction. To address transportation issues along Highway 16 (often referred to as the Highway of Tears) where many Aboriginal women are believed to have gone missing or been murdered, the Government of British Columbia has held meetings with a number of stakeholders and is working on practical, affordable transportation-related solutions to address community needs.

101. Canada accepts in full recommendation (iv). Canada has acknowledged the overrepresentation of Aboriginal children in the child welfare system. In Canada, involvement in the child welfare system does not, however, necessarily result in institutional care, as suggested by the Committee. Notwithstanding the above, AANDC's First Nations Child and Family Services program provides funding for the delivery of child and family services to First Nation children and families living on reserve in all provinces and Yukon Territory. Program funding is provided to support the delivery of protection and prevention services to improve the safety and well-being of First Nation children. In 2012-2013, the program provided approximately \$627 million in funding for services provided to more than 163,000 First Nation children.

102. As provinces have shifted to a greater emphasis on enhanced prevention activities, AANDC has followed suit by implementing a new approach with a greater focus on prevention. To date, the new Enhanced Prevention Focused Approach has been implemented in 6 provinces, reaching about 68 per cent of First Nation children on reserve with additional investments of more than \$100 million annually. Early results show a decrease in institutional placement in favour of more culturally-appropriate placements; an increase in community awareness of child welfare matters; an increase in families accessing prevention programming; and a rise in permanent placements for children.

103. A number of initiatives are also being implemented by provincial/territorial governments to improve how child intervention services are provided to Aboriginal and non-Aboriginal children and families. In Alberta, for example, these initiatives are leading to an increase in the number of children who are supported at home with their families and a decrease in the number of children who receive services while in care. In addition, funding is provided to support the work of the First Nations Designate, which assists First Nation children to maintain or develop connections to their family, culture and community when they receive intervention services off-reserve. As a result of these initiatives, there was a reduction in the number of Aboriginal children in care in Alberta: in 2013-2014, there were 5,391 Aboriginal children in care compared to 5,768 in the previous year, a seven per cent reduction. Alberta continues to work with its partners to strengthen families so more children can remain safely at home. Ontario has also introduced initiatives to support culturally-appropriate placements and options for Aboriginal children and youth so that they remain connected to their communities and culture, such as a practice guide for Children's Aid Societies and First Nations on formal customary care, a placement option which allows children to live in their communities according to the customs and traditions of their bands. Finally, British Columbia's *Child, Family and Community Service Act* contains provisions to ensure that specific measures are taken to recognize, respect and preserve Aboriginal culture when delivering child welfare services to children and families.

C. Overcoming the legacy of the colonial period and eliminating discrimination against Aboriginal women

104. Governments across Canada have taken various steps to achieve reconciliation with Aboriginal peoples and eliminate discrimination against Aboriginal women. Since 2006, there has been a shift in Canada's relationship with First Nations, Inuit and Métis peoples exemplified by the Prime Minister's historic apology to former students of Indian Residential Schools, the creation of the Truth and Reconciliation Commission (TRC), the apology for the relocation of Inuit families to the High Arctic, Alberta's 2014 statement of reconciliation with Aboriginal Albertans, and the honouring of Métis veterans at Juno Beach.

105. Canada is proud of the fact that Aboriginal and treaty rights are given strong recognition and protection in its Constitution. Canada is equally proud of the processes that have been put in place to deal with Aboriginal land claims respecting these rights. Governments are working actively to improve processes to address these claims even more effectively. To this end, the Government of Canada is developing a new framework for addressing section 35 Aboriginal rights. This framework will be developed incrementally and through dialogue with partners. AANDC released a document in September 2014 called *Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal Rights*. This interim policy outlines the Government of Canada's current approach to treaty negotiations, including development that has occurred since the publication of the last policy in 1986. This interim policy includes important new principles of recognition and reconciliation and was shaped by past engagement with negotiating partners. This engagement also provided an important forum for all parties to take into account recent developments in Aboriginal law and will inform the forthcoming renewed and reformed *Comprehensive Land Claims Policy*.

106. The Government of Canada has demonstrated strong leadership by protecting the rights of Aboriginal people in Canada, through amendments to the *Canadian Human Rights Act* and the newly enacted *Gender Equity in Indian Registration Act* and *Family Homes on Reserves and Matrimonial Interests or Rights Act*.

107. Canada accepts in full recommendation (i). Governments in Canada are committed to re-building trust and engaging in meaningful dialogue with Aboriginal communities on issues that affect them. In the law enforcement context, for example, the RCMP established its National Aboriginal Policing services to manage and develop culturally-competent and culturally-sensitive strategies and policies for the RCMP. Dedicated RCMP Aboriginal Policing units are established in every province and territory to support employees in building trusting relationships, by partnering and consulting with the over 600 Aboriginal communities served. Through consultation and collaborative initiatives, the RCMP is implementing enhanced policing approaches to address local and national priorities with the objective of safer and healthier Aboriginal communities. Nationally, the Commissioner's National Aboriginal Advisory Committee provides strategic advice and cultural perspective on matters related to the delivery of Aboriginal policing services. The RCMP continues to build on the solid relationships with the AFN and NWAC. In December 2011, the RCMP and the AFN renewed their work plan establishing trusting and reciprocal relationships between the two organizations to jointly address the issue of missing and murdered Aboriginal persons including the

resolution of historical cases. The RCMP has a member dedicated to liaising and working jointly with NWAC on reducing incidents of violence against Aboriginal women and girls.

108. Regionally, consultation with Aboriginal partners and stakeholders permeates all units of the RCMP. Through the regional Aboriginal Advisory Committees, Aboriginal leaders are participants in priority-setting and contribute to policy decisions that enhance service delivery within Aboriginal communities. Locally, the RCMP meets with community consultative groups to identify mutual priorities and tailor specific violence prevention programs to meet the distinctive needs of First Nation, Métis and Inuit communities. RCMP Detachment Commanders consult further with local governments to formalize priorities on annual performance plans that measure the realization of shared objectives.

109. The Ontario government convened the Joint Working Group on Violence against Aboriginal Women in 2010 to engage in dialogue with representatives of the Aboriginal community. The goal is to identify priorities and opportunities for support, development, and implementation of policies, programs, and services that prevent and reduce violence against Aboriginal women and their families. The Joint Working Group has facilitated relationship-building between the 5 Aboriginal organizations and 10 ministries that sit as members on the Working Group, and it has provided a forum for information sharing and collaboration to advance action towards ending violence against Aboriginal women.

110. The Government of Quebec worked on issues affecting Aboriginal women with various Aboriginal organizations. Special consultations were held in June 2011 with Aboriginal groups to involve them in the work leading up to the development of the specific actions forming part of the 2012-2017 Government Action Plan on Domestic Violence.

111. The 17th Assembly of the Legislature of the Northwest Territories worked with NWT Aboriginal governments to develop and publicly release a new commitment to working with Aboriginal governments entitled “Respect, Recognition, Responsibility”. It includes commitments to share information, recognize constitutionally protected rights including the inherent right to self-government, and to build relationships and work together through a government-to-government approach.¹⁰

112. Canada accepts in full recommendation (ii). For the past eight years, AANDC has offered training sessions and seminars for public servants on the history of government policies relating to Aboriginal affairs and the relationship between the Crown and Aboriginal people. The goal of these sessions is to provide the necessary contextual information on the impact of government policies on Aboriginal peoples and to help improve understanding of contemporary issues facing Canada’s First Nations, Métis and Inuit peoples.

113. The TRC¹¹ was established in June 2008 as part of Indian Residential Schools Settlement Agreement. The TRC is an independent body that seeks to provide former students and anyone who has been affected by the Indian Residential Schools (IRS) legacy with an opportunity to share their individual experiences in a safe and

¹⁰ For more information on this commitment, see: [www.daair.gov.nt.ca/_live/documents/content/RRR percent20English percent20Brochure.pdf](http://www.daair.gov.nt.ca/_live/documents/content/RRR%20English%20Brochure.pdf).

¹¹ For more information on the TRC, see: www.trc.ca/websites/trcinstitution/index.php?p=26.

culturally-appropriate manner, to promote awareness and public education about the IRS system and its impacts and to create a public historical record of the IRS system for the future.

114. AANDC supports efforts to educate the public on the history of the IRS through various publications on its website and also supports efforts to add the history of IRS to school curricula across Canada. AANDC has offered gestures of reconciliation focused on increasing public awareness of IRS, such as the permanent installation of a commemorative stained glass window in Parliament, which will encourage Parliamentarians and visitors to learn more about the history and legacy of IRS for generations to come. AANDC also works with Health Canada to provide to their employees Indigenous Community Development training which examines colonial history and its impact on relationships today.

115. Cultural sensitivity training is also provided by provincial/territorial jurisdictions. Examples include:

- cultural competency training for education system leaders and district school board staff in Ontario to increase their understanding of historical trauma and barriers experienced by First Nation, Métis, and Inuit children, youth, families;
- awareness-raising sessions about the history, culture and context of the Mi'kmaq people, prepared by the Public Service Commission of PEI, in collaboration with the Aboriginal Affairs Secretariat and the PEI Mi'kmaq Confederacy; and
- workshops for public sector employees of the Northwest Territories on the history and culture of Aboriginal peoples, their treaty rights and the IRS system and legacy.

116. Education curricula in various provincial/territorial jurisdictions, such as Saskatchewan, Manitoba and the Northwest Territories, include components that educate students on discrimination and racism against Aboriginal people, all with a view to fostering a better understanding of Aboriginal peoples, their history and culture, including Aboriginal treaty rights and the effects of the residential school system. In 2008, Saskatchewan made the teaching of treaties mandatory in provincial and First Nations schools, as part of the Curriculum Renewal Project entitled “We Are All Treaty People”, a first for any province in Canada.¹² Moreover, Newfoundland and Labrador has committed to reviewing Aboriginal content in provincial school curricula and delivery of such training, which will include the continued development of culturally-appropriate resource materials in partnership with Aboriginal groups. Further, the province’s Aboriginal Cultural Heritage Program supports Aboriginal projects that involve the safeguarding of traditions and culture, including language.

117. The Ontario Human Rights Commission (OHRC) has engaged in public education focusing on the theme of reconciliation and the importance of addressing systemic discrimination against Aboriginal Peoples. On November 12, 2013, the OHRC hosted an event with the TRC entitled “From Remembrance to Reconciliation: A Shared Community Dialogue on Our Roles as Treaty Peoples”.

¹² For more information, see: www.eaglefeathernews.com/news/index.php?detail=861.

118. Canada accepts in full recommendation (iii). For example, in Ontario, the Ontario Women's Directorate currently supports a number of programs to respond to violence against Aboriginal women and build the capacity of Aboriginal women and organizations. Since 2007, more than 3,000 Aboriginal women have attended training and more than 450 program participants have engaged in leadership roles in their communities.

119. Canada accepts in part recommendation (iv), given the existing constitutional protections for freedom of expression under s. 2(b) of the *Charter*. Within these constitutional parameters, the *Customs Tariff* prohibits the importation into Canada of publications that constitute hate propaganda under the *Criminal Code*. Federal regulations made under the *Broadcasting Act* prohibit the broadcast of abusive comments or images that are likely to expose an individual or group of individuals to hatred on the basis of race, national or ethnic origin, colour, religion and other grounds. Similarly, anti-discrimination laws in various provincial/territorial jurisdictions also prohibit the sale of publications that are likely to expose persons to hatred on these grounds.

120. Canada does not accept recommendation (v). Canada believes that the Indian registration provisions in the current *Indian Act* do not discriminate against women. Since the 1985 amendments to the *Indian Act*, the descendants of registered Indians have not been treated differently with respect to the transmission of Indian status on the basis of sex. In addition, the 1985 amendments reinstated eligibility for Indian registration to all women who previously lost status upon marrying a non-Indian man, and ensured that at least the children of those women would also be eligible for registration. The *Gender Equity in Indian Registration Act*, which came into force in 2011, went one step further by ensuring that the grandchildren of women who had lost Indian status as a result of marrying non-Indian men are now entitled to registration in circumstances where their prior ineligibility had been found to constitute unjustified discrimination. The Government of Canada also launched an exploratory process to examine the broader issues surrounding Indian registration, Band membership and First Nations citizenship, as it recognizes the importance of these complex issues to First Nations and other Aboriginal groups. It is important to note that any present-day distinctions based on ancestry are the result of the transition, in 1985, to a gender-neutral scheme, which required a careful balancing of various important and competing interests and which involved the preservation of previously-acquired rights.

121. Canada accepts recommendation (vi) in part as the *Canadian Human Rights Act* (CHRA) is not intended to address acts of violence. The CHRA is limited to addressing discriminatory practices. Nevertheless, Canada fully supports the objective of promoting the use of the CHRA to combat discrimination against Aboriginal women and has taken action to achieve that goal. Section 67 of the CHRA, which prohibits discrimination in employment and services within federal jurisdiction, historically shielded decisions or actions by First Nation Band Councils and the Government of Canada under the *Indian Act* from the CHRA's complaints process. In June 2008, section 67 was repealed, thus enabling Aboriginal people or groups to file complaints for matters relating to alleged violations of the *Indian Act*. The change was applicable immediately to complaints against the Government of Canada, but became applicable to complaints against First Nations in 2011. Between June 2008 to March 2014, the Canadian Human Rights Commission (CHRC) received 167 service-related complaints against the Government of Canada relating

to Aboriginal issues (excluding employment-related complaints), 49 of which were repeal-related complaints. Of the 49 repeal-related complaints received, the Commission accepted 26. During the same period, the CHRC received 320 complaints against First Nations relating to “Aboriginal issues”, of which 99 dealt with subject matters that were previously shielded by section 67. Of the 99 repeal-related complaints, the Commission accepted 36. Further, the CHRC established the National Aboriginal Initiative (NAI) in order to gain a greater understanding of, and become more responsive to, the issues and challenges faced by Aboriginal people. Through the NAI, the CHRC has conducted extensive in-person outreach with Aboriginal communities and held several roundtables to raise awareness of the CHRA and to provide a forum for Aboriginal women to express their concerns.

D. National public inquiry and integrated plan of action

122. The Government of Canada does not accept the three recommendations made under this heading. Recognizing that a national inquiry is only one of several possible approaches, and that many recommendations and strategies have been developed to date, the Government of Canada has chosen to focus on immediate concrete action and implementation. Those efforts are based on working in partnership with provincial/territorial governments, Aboriginal people, and other stakeholders.

123. As a recent example, in September 2014, the Government of Canada released its Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls. This Action Plan was informed by engagement with Aboriginal leaders, families and communities about actions required to better meet the needs of victims and families and improve the safety and well-being of Aboriginal women and girls in Canada. The Action Plan will result in an investment by the Government of Canada of nearly \$200 million over five years. As part of this commitment, the Government will strike a high-level oversight committee to ensure coordination of federal actions and monitor progress on actions taken.

V. Conclusion

124. In closing, Canada would like to again acknowledge the work of the Committee in producing its Report. Canada has been clear that abhorrent acts of violence will not be tolerated in our society and remains committed to continuing to take action to address the situation of missing and murdered Aboriginal women and girls in Canada.
