

Report on Canada's ICCPR Obligations: Indigenous Women and Girls

Introduction

This report documents serious violations of Indigenous women's and girls' rights in Canada, focusing on the Missing and Murdered Indigenous Women and Girls (MMIWG) crisis. Indigenous women in Canada are overwhelmingly victims of violence and discrimination. Statistics Canada data show Indigenous women and girls are six times more likely to be murdered or go missing than non-Indigenous women¹. In 2023, Indigenous people (5% of the population) accounted for 26% of homicide victims². In 2024 this disparity worsened: Indigenous people (still ~5% of the population) represented 30% of homicide victims, with a homicide rate of 10.84 per 100,000 – over 8 times higher than the rate for non-Indigenous Canadians³. Notably, the number of murdered Indigenous women rose from 50 in 2023 to 71 in 2024⁴. These figures underscore Canada's systemic failure to protect Indigenous women's right to life (ICCPR Art. 6) and to ensure their equality and safety (Arts. 2, 26).

Despite Canada's commitments, Indigenous leaders report “significant and substantive action” is needed immediately. On the 5th anniversary of the 2019 MMIWG Inquiry, the Assembly of First Nations noted that only 2 of 231 Calls for Justice have been fully implemented⁵. Indigenous advocates and UN experts emphasize that ongoing colonial policies and underfunding continue to fuel violence. For example, an Auditor General audit (Mar 2024) found Canada “did not work in partnership with Indigenous communities to provide equitable access” to dedicated policing, leaving millions in federal police funding unspent in Indigenous communities⁶. The UN Working Group on Arbitrary Detention has likewise expressed concern over “disproportionately high rates of Indigenous Peoples in criminal justice detention”⁷, reflecting deep-seated inequality in the justice system. This shadow report examines these failures under ICCPR Articles 2, 6, 7 and 26.

Article 2 (Non-Discrimination and Duty to Protect)

The Government of Canada's general obligation under Article 2 ICCPR is to ensure all rights without discrimination. In practice, Indigenous women face intersectional discrimination on the basis of race and gender. Federal policies and programs consistently under-serve Indigenous communities. For example, the Auditor General found chronic mismanagement of the First Nations and Inuit Policing Program (FNIPP): Public Safety Canada had no equitable funding strategy, relying instead on provinces' willingness to pay. As a result, First Nations and Inuit policing positions remain understaffed – only 38% of surveyed communities had RCMP officers 100% dedicated to them – and \$13 million of 2022–23 FNIPP funds went unspent. In sum, “the federal government did not work in partnership with Indigenous communities” to tailor policing services to their needs⁸. This lack of equitable law enforcement contravenes Article 2's guarantee of non-discrimination and Canada's duty to protect life (Art. 6) and security (Art. 7) of all groups.

Indigenous women's everyday safety is further undermined by societal discrimination. Justice Canada reports that 63% of First Nations and Métis women have experienced physical or sexual violence in their lifetime (vastly higher than non-Indigenous rates)⁹. This reflects the legacy of colonial policies (e.g. the Indian Act, residential schools) that normalize violence against Indigenous women. In October 2024, Canada was reviewed under the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which highlighted “persistent harmful stereotypes and practices” and increasing gender-based violence particularly affecting Indigenous women¹⁰. The state's failure to address these root causes – through meaningful consultation, funding and legislative reform – violates its Article 2 obligation to eliminate racial and gender discrimination.

In 2024 Parliament moved to declare MMIWG a “national emergency” and urged creation of a Red Dress public alert system¹¹. In October 2024 the federal government committed \$1.3 million to develop a pilot Red Dress Alert in Manitoba¹². Yet Indigenous leaders emphasize these steps are overdue. Grand Chief Connie Big Eagle noted that critical areas like policing and justice “require urgent reforms” – calling the current pace “unacceptable”¹³. The continued under-funding of Indigenous communities is stark: even with a \$9 billion funding pledge over 5 years in 2024, the AFN estimates an infrastructure gap of ~\$350 billion¹⁴. This systemic underinvestment in Indigenous health, housing and policing services amounts to discrimination in the enjoyment of rights, as forbidden by Art. 2.

Article 6 (Right to Life)

Article 6 guarantees every person's inherent right to life and requires states to protect this right. Canada's failure to prevent and effectively investigate MMIWG cases is a grave violation of this obligation. Statistics Canada data illustrate Indigenous women's amplified risk: in 2023 nearly one-quarter (26%) of all homicide victims were Indigenous¹⁵. In 2024, 6% of homicide victims were reported missing at the time of their death (up from 4% in 2022), and most of those missing victims were women¹⁶. The homicide data show not only a rising toll but also the lack of preventative measures.

The National Inquiry's Final Report (2019) established that colonial violence and discrimination are the root causes of the crisis. Five years on, calls for national action have not been fully realized. For instance, experts noted that Canada's National Action Plan (released in 2021) has no binding timelines and its commitments remain largely “slow-moving”¹⁷. Meanwhile, Indigenous families continue to find their loved ones vanished. As Grand Chief Gerry Daniels observed, “*Our beautiful First Nation sisters go missing far too often... Tragically, many don't come home, and families are left grieving and without answers.*”¹⁸. In other words, the state's inaction turns families' suffering into cruelty and perpetuates the deprivation of life for Indigenous women.

Although the federal government has taken some steps – e.g. funding 178 shelter spaces (May 2024)¹⁹ and piloting the Red Dress Alert²⁰ – these are insufficient against the magnitude of loss. Indigenous women accounted for 73% of intimate-partner homicide victims in 2023²¹. The

National Inquiry and Indigenous organizations have repeatedly called for measures like an Indigenous-led missing persons database, expanded alerts, and dedicated cold-case units. To date, most cases remain unsolved. By tacitly tolerating this crisis, Canada is failing its Article 6 duty “to adopt such legislative or other measures as may be necessary to give effect” to the right to life (ICCPR Art. 2(1)).

Article 7 (Freedom from Cruel, Inhuman or Degrading Treatment)

Article 7 prohibits torture and cruel or degrading treatment. Indigenous women in Canada suffer violence and neglect at a scale that amounts to cruel inhumanity. For example, Indigenous women face extremely high rates of sexual and physical assault – over 63% have been assaulted in their lifetime. Many of these crimes go unpunished. The Canadian state’s slow responses to the disappearances of Indigenous women can itself be seen as degrading: as one Indigenous activist put it, the lack of a national alert “means women and all Indigenous people must have a voice...when [the Red Dress Alert] is up and running”²², acknowledging distrust of police and the trauma caused by state neglect.

Specific abuses by state agents also implicate Article 7. Amnesty International has documented incidents of explicit misogynist abuse by RCMP and security forces against Indigenous land defenders, including threats of sexual violence²³. These accounts – though in the extractive sector – reflect a broader pattern where Indigenous women are subjected to degrading treatment in law enforcement and legal settings. The Auditor General’s findings (March 2024) further underscore cruelty: she found government and RCMP actions “are not aligned with building trust with First Nations and Inuit communities”²⁴. In practical terms, this means Indigenous victims are often dismissed, stereotyped or blamed by authorities (as also noted by UN human rights bodies). Such institutional treatment compounds individual trauma and violates Article 7’s mandate that “no one shall be subjected to...inhuman or degrading treatment.”

Finally, conditions of detention disproportionately affect Indigenous women. Indigenous people are massively overrepresented in prisons, and the over-crowded, often harsh conditions in jails can reach the level of cruel treatment. The UN Working Group on Arbitrary Detention noted “disproportionately high rates of Indigenous Peoples in criminal justice detention”²⁵. In light of Canada’s colonial history and high incarceration of Indigenous women, systemic neglect in detention (including lack of culturally appropriate care) amounts to degrading treatment of a racialized group. Collectively, the violence inflicted on Indigenous women and the state’s failure to address it violate Canada’s Article 7 obligations.

Article 26 (Equality before the Law)

Article 26 guarantees equality before the law and equal protection. Indigenous women and girls in Canada face entrenched inequality in law, policy and practice. For example, the Royal Commission on Aboriginal Peoples (1996) and subsequent inquiries found that Canada’s laws and institutions treat Indigenous people as second-class. Contemporary data confirm this. While making up only

~5% of the population, Indigenous people accounted for 25–30% of homicide victims and 33% of accused persons²⁶. Indigenous offenders receive harsher sentences and are more likely to be imprisoned than non-Indigenous people for the same crimes. These disparities in the justice system illustrate that Indigenous women do not enjoy the same legal protection as others.

In policing, the lack of culturally safe partnerships violates equal protection. As noted above, the Auditor General found the FNIPP program failed to ensure equitable, community-led policing. In effect, Indigenous communities are left without the “full and equal enjoyment” of security that others receive. Likewise, the lack of oversight of the Canada Border Services Agency (CBSA) – the only large law enforcement body without civilian review – disproportionately impacts Indigenous and racialized people, undermining Article 26. Even Canada’s National Human Rights Institution is underfunded and not fully independent, hampering equality protections.

In corrections, the overrepresentation of Indigenous women is acute. In federal prisons, Indigenous women made up 47.9% of all women in custody in 2022–23²⁷, despite Indigenous people comprising only ~5% of the population. This figure – nearly half – indicates systemic bias: Indigenous women are hugely more likely to be detained and to serve longer sentences than others. Similar disproportionality is documented at the provincial level (e.g. Indigenous girls in custody at 55% in 2022). These outcomes reflect inequities in policing, courts and bail practices. Under Article 26, Canada must remedy policies that result in such inequity; current statistics and audits show it has not done so.

Finally, the failure to collect and report disaggregated data on Indigenous identity has perpetuated inequality. Until recently, there was no consistent national standard for missing persons reports to identify Indigenous status. The federal government’s recent initiative to develop Missing Persons Data Standards (launched 2023) acknowledges these “systemic gaps”²⁸. Similarly, only in late 2024 did new legislation (Bill C-20) mandate race-based data collection for policing complaints. While welcome, these steps came years after advocates demanded them. The absence of data itself has denied Indigenous women equal access to justice and accountability. In all these respects, Canada’s criminal justice, policing and corrections systems fail to guarantee Indigenous women equal protection under law (Art. 26).

Policy Recommendations

- **Fully implement MMIWG Calls for Justice.** The federal and provincial governments should adopt clear timelines and accountability for all 231 Calls for Justice of the 2019 Inquiry, especially those on policing, justice, and missing persons. Immediate attention must be given to Calls 1.7 and 1.10 (Indigenous human rights ombudsperson and implementation oversight), ensuring First Nations women lead these efforts.
- **Strengthen policing with Indigenous partnership.** Public Safety Canada must act on the Auditor General’s recommendations to overhaul the First Nations and Inuit Policing Program. This includes equitably allocating funds (so communities are not left waiting),

updating the FNIPP policy (1996), and engaging local leaders in tri-partite agreements. Policing agencies (RCMP and provinces) must be mandated to provide culturally appropriate, full-time service in Indigenous communities, with regular public reporting and civilian oversight.

- **Establish a national Red Dress/Missing Persons Alert system.** Parliament should expedite a nationwide Red Dress Alert for missing Indigenous women/girls, modeled on Manitoba's pilot. The system should operate in consultation with Indigenous survivors and families to build trust (addressing concerns of "extreme distrust of police"). Adequate funding must be provided to provinces/territories for implementation. In parallel, law enforcement protocols should guarantee prompt, thorough investigation of every missing person report, with independent oversight.
- **Collect and report disaggregated data.** Statistics Canada must finalize and implement the Missing Persons Data Standards and incorporate Indigenous identity in all crime and victimization statistics. Police services nationwide should begin collecting the Indigenous/racial identity of victims and accused (as planned in the Uniform Crime Reporting system). This data should be publicly reported to allow transparency and remedy systemic biases (fulfilling the spirit of C-20's race-based data mandate).
- **Increase funding for Indigenous safety and supports.** Budgets must reflect the emergency. Canada should immediately fund a significant expansion of culturally safe shelters, victim services, and healing programs for Indigenous women. Equally, major investments are needed in community infrastructure (housing, health centers, water systems) – reversing the decades-long neglect that underpins vulnerability. The Indigenous infrastructure gap must be addressed through multi-year funding commitments and transparent audits.
- **Reform the justice system and sentencing.** Indigenous restorative justice and diversion programs must be prioritized to reduce incarceration of Indigenous women. Canada should review mandatory minimums and bail practices that disproportionately trap Indigenous people in custody. The Corrections Act reforms (2022) and the new United Nations Declaration on the Rights of Indigenous Peoples Act must be fully implemented in corrections, ensuring culturally appropriate rehabilitation and a focus on healing.
- **Implement the Auditor General's systemic reforms.** Recommendations from the 2024 OAG report on policing should be adopted. Public Safety Canada and the RCMP must develop an action plan with provinces and Indigenous governments to ensure timely funding disbursement and community engagement. Performance measures should be instituted to track outcomes for Indigenous safety (including tracking missing persons cases).

- **Establish independent oversight bodies.** Canada should create independent, well-resourced bodies (as called for in the Inquiry) to monitor Indigenous human rights. These bodies must be staffed by Indigenous peoples, including Indigenous women, with a mandate to receive complaints, conduct inquiries (including into systemic racism in police/hospitals), and make binding recommendations. The National Action Plan's Transparency and Accountability commitments should be strengthened.
- **Combat racism and promote equality in public institutions.** Federal, provincial and municipal governments must implement anti-racism training and accountability measures for police, social services, and courts to address biases against Indigenous women. Canada should take legislative action to outlaw all forms of racial discrimination in policing and corrections. Public education campaigns and school curricula should teach the history of colonialism and the value of Indigenous women's leadership (addressing harmful stereotypes noted by CEDAW).

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