

Executive Summary

Ontario Native Women's Association (ONWA) is pleased to continue our participation in the 4th Cycle of Canada's Universal Periodic Review (UPR) and provide our feedback, informed by Indigenous women's voices, expertise, and priorities, to inform Canada's review and full acceptance of Member States' recommendations.

In April 2023, ONWA provided a submission to inform Canada's Review during the 4th UPR Cycle, including on progress since the 3rd UPR Cycle. Two of the recommendations in our submission can be found in the [Summary of stakeholders' information on Canada](#); however, ONWA strongly encourages Canada to review ONWA's full submission as the recommendations and information remain crucial to shaping Canada's decisions with respect to the recommendations made in the 4th UPR Cycle.

The recommendations from Member States relating to Indigenous women that came out of the 4th UPR reflect persistent, systemic challenges that Indigenous women have been facing for decades, including gender-based violence; racism, sexism, and discrimination; human trafficking; and systemic barriers in health, education, child welfare, justice system and policing, and housing.

ONWA has been asked to identify the most important recommendations in the Report of the Working Group on the UPR and to prioritize the recommendations by Member States that relate to Indigenous peoples, particularly those related to Indigenous children and families, policing and justice and gender-based violence. ONWA is unable to choose between the fundamental human rights of Indigenous peoples, Indigenous women and their families. We recognize that the systemic issues and human rights violations that Indigenous women face are interconnected. Although out of scope of this submission, ONWA strongly urges Canada to implement the [Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\) General recommendation No. 39 on the rights of Indigenous women and girls](#), which identifies and addresses different forms of intersectional discrimination faced by Indigenous women and girls and their key role as leaders, knowledge-bearers and transmitters of culture among their peoples, communities and families, as well as society as a whole.

With respect to the recommendations outlined in the Report of the Working Group, ONWA strongly recommends Canada accept in full **all 332** recommendations made by Member States. In particular, to reaffirm its commitment made to Indigenous peoples for reconciliation, the protection of Indigenous women and girls' safety, and empowerment of Indigenous women's leadership and sovereignty through the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Truth and Reconciliation Commission's (TRC) 94 [Calls to Action](#), and the National Inquiry into Missing and Murdered Indigenous Women and Girls' (MMIWG) [Calls for Justice](#), with a particular focus on ONWA's recommendations for the National Action Plan to Address Violence Against Indigenous Women and Girls outlined in our [Reconciliation With Indigenous Women](#) report.

Accepting and fulfilling the implementation of all recommendations will necessitate significant and long overdue systems change across all levels of government. Current systems that facilitate relations between Indigenous peoples and Canada are not working for Indigenous women and continue to discriminate against them. These systems were created to colonize Indigenous peoples and marginalize Indigenous women as leaders in our communities. Indigenous women and the agencies they have

chosen to represent them continue to be excluded from engagement processes, policy development and program design and funding models, which prevents the full realization of their rights.

Implementation of the UPR4 recommendations must involve the creation of new systems that centre Indigenous women's safety and collaboration/co-development with Indigenous women and their organizations at the core of government relations with Indigenous Peoples.

Specifically, ONWA recommends Canada:

- Accept in full and implement all 332 recommendations made by Member States in the Report of the Working Group;
- Immediately implement critical foundational recommendations, including those that require the creation of a domestic implementation mechanism (6.46, 6.69), implementation of TRC Calls to Action and MMIWG Calls for Justice (6.304) with a critical focus on Indigenous women's safety and empowerment, and full adherence to UNDRIP (6.290, 6.291);
- Improve the engagement process for Canada's UPR by ensuring the inclusion of Indigenous women and their organizations at all stages of the review (pre, during and post);
- Implement a Nation-to-Nation/Distinctions-Based PLUS approach¹ to engagement, policy and program development, and funding models that ensures Indigenous women and their organizations as well as urban Indigenous organizations (as the vast majority of Indigenous women and their families live off-reserve) are informed, involved, consulted, and benefit from resources being allocated to address key issues of concern for Indigenous women and their families; and
- Prioritize implementation of UPR4 recommendations that best support the safety, healing and leadership of Indigenous women.

Accepting in full, and working towards implementation of, all recommendations made by Member States during the 4th UPR Cycle, will demonstrate Canada's commitment to advancing the human rights of all people in Canada and may be an opportunity demonstrate this commitment on a global stage as Canada pursues their candidacy for a seat on the Human Rights Council.

About ONWA

The Ontario Native Women's Association (ONWA) is the largest and oldest Indigenous women's organization in Canada, with over 50 years of experience and expertise in amplifying Indigenous women's voices and advocating for solutions created and led by Indigenous women. ONWA is both a direct service provider organization, delivering culturally grounded services in 23 sites across Ontario, and an association of 13 Chapters (incorporated Indigenous women's organizations providing front line services) and 21 Councils (grassroots Indigenous women's groups) in the province.

¹ Nation to Nation/ Distinctions-Based PLUS is an inclusive approach to relationship building with Indigenous Peoples and addressing matters impacting our rights and self-determination. It recognizes that many Indigenous Peoples, particularly Indigenous women and Indigenous Peoples living outside of their home community, are excluded from the First Nation, Métis, and Inuit governance structures that represent Indigenous Peoples affiliated with specific lands and territory. Nation to Nation/ Distinctions-Based PLUS goes beyond these governing organizations to include organizations that amplify, and are accountable to, the voices of Indigenous women and the growing population of Indigenous Peoples living in urban, rural and remote areas outside of government defined First Nation, Métis and Inuit territory.

ONWA is a leader in Indigenous women's rights, Indigenous women's access to culturally relevant programming and policy, and Indigenous women's leadership. Through ONWA's research and engagement, we have developed several foundational reports, including [Breaking Free](#) (1989), the [Strategic Framework to End Violence Against Indigenous Women](#) (2007), [Breaking Free Breaking Through](#) (2015), [Journey to Safe Spaces](#) (2019), and [Reconciliation with Indigenous Women](#) (2020), which together provide hundreds of recommendations for government action directly from Indigenous women.

ONWA's work is guided and directed by nine interconnected strategic issues of importance identified by Indigenous women (Mother Earth; Family Violence; Sexual Violence; Child Welfare; Human Trafficking; Missing and Murdered Indigenous Women and Girls; Housing Homelessness; Justice; and Health), with Indigenous women's safety at the centre of everything we do. Our priorities continue to focus on Indigenous women reclaiming their leadership roles and healing at an individual, family, community, and nation level as we know that this is how we will restore balance. ONWA recognizes that the issues Indigenous women face are interconnected and rooted in colonization, sexism and racism. ONWA advocates for systemic changes across the systems that continue to perpetuate violence against Indigenous women by telling their stories, truth and resiliency provincially, nationally and internationally,

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Accept and Immediately Implement Foundational Recommendations

ONWA calls on Canada to fully accept all 332 recommendations received during the 4th Cycle UPR process. ONWA calls on Canada to fully accept and immediately implement the recommendations that call for implementation mechanisms and measures (6.69 and 6.46). Currently, Canada has not implemented a domestic implementation mechanism for recommendations made during the UPR Cycles, despite similar calls for one to be established through recommendations made by Member States in previous UPR cycles (e.g., 3rd UPR Cycle, recommendation 142.34). A domestic implementation mechanism(s) is necessary to strengthen accountability, demonstrate progress and transparency, and is foundational to the successful implementation of all recommendations. A domestic mechanism would assist Canada in holding all levels of government, including provincial and territorial, to account in recognition that successful implementation requires collaboration and leadership across governments and jurisdictions.

Further, ONWA recommends Canada fully accept and immediately implementation recommendations on UNDRIP (6.290 and 6.291). These recommendations are foundational to the implementation of recommendations related to Indigenous peoples, including recommendations related to ensuring the free, prior, and informed consent of Indigenous peoples before adopting and implementing legislation and respecting our universal right to self-determination (recommendations 6. 294, 6.29, 6.296, 6.297). Accepting and fully implementing overarching UNDRIP recommendations (6.290, 6.291) would demonstrate a commitment across federal, provincial, and territorial governments to enact UNDRIP into law and to accountability and action. We also urge Canada to recognize that Indigenous women have the right to their own agencies, and to commit fully to engaging with Indigenous women's organizations

through a Nation-to-Nation/Distinctions-Based PLUS framework, recognizing that the present Nation-to-Nation/Distinctions-Based structures are a colonial legacy that works to leave out the voices of Indigenous women and fails to appropriately respond to their unique and distinctive needs.

In addition, ONWA strongly recommends that Canada fully accept and immediately implement recommendations concerning the implementation of the TRC Calls to Action and National Inquiry into MMIWG's Calls for Justice (6.304). ONWA has been raising concerns about the slow implementation of these Calls, and in particular, the National Inquiry into MMIWG's Calls for Justice, and the need for progress and transparency across all levels of government. To date, there has been a lack of progress on implementation, monitoring, and data collection/sharing. Indigenous women, like all women, have a right to be safe. ONWA recommends Canada be an active partner and leader in this work and demonstrate a commitment to implementation by fully accepting these recommendations.

Improve the Engagement Process for Canada's UPR

Canada's consultation and engagement process at all stages of the Review Cycle requires significant improvements to uphold the principles of UNDRIP and to demonstrate accountability and transparency to Indigenous women, their organizations, and broader civil society.

Engagement at all stages of the Review Cycle should be led by Canada and not a third party or interlocutors because it is important for government to hear directly from Indigenous women and civil society organizations. ONWA recommends Canada ensure that they provide sufficient and accessible information and resources to Indigenous women and their organizations so that they can meaningfully participate in all phases of the review. Specifically:

- National consultations and drafting phase: ONWA is unaware of any Canada-led engagement process prior to the November 10, 2023, session, despite the extensive preparatory work Canada undertook (as evidenced by the large Canadian government delegation and presence at the November 10, 2023, session). Indigenous women and their organizations must inform Canada's report to provide a balanced and transparent update to Member States ahead of Canada's review. Pre-UPR session engagement helps demonstrate the Government of Canada is listening to Indigenous women and taking seriously the commitments they made to/under international law (like UNDRIP) by not being in contravention of those commitments. Canada must engage directly with Indigenous women's organizations, moving beyond its current and discriminatory Nation-to-Nation/Distinctions-Based policy.
- Adoption phase: Canada must again meet directly with Indigenous women and their organizations to discuss and seek feedback on the Member States' recommendations. This requires inclusive and direct engagement and a nuanced discussion on the interrelated nature of the recommendations. Requesting Indigenous women identify which recommendations Canada should accept or prioritize is divisive and counterproductive to the existing commitments, strategies and plans that Canada must be implementing simultaneously.
- Follow up phase: Once Canada's report has been adopted at the Human Rights Council, Canada must turn to a domestic implementation mechanism as noted above, including a transparent reporting process. ONWA recommends immediate implementation of recommendation 6.45 to

ensure Indigenous women, their organizations and civil society have a voice in the follow up to the UPR.

ONWA strongly recommends the Government of Canada implement these mechanism and engagement processes in time for Canada's mid-term reporting.

Implement a Nation-to-Nation/Distinctions Based PLUS Approach

Canada's Nation-to-Nation/Distinctions-Based approach to Indigenous relations is discriminatory towards Indigenous women, as it excludes Indigenous women and their organizations as legitimate and equal partners in decision-making on issues that impact their rights and their lives. The federal government's present Nation-to-nation/Distinctions-Based policy is in direct contradiction to UNDRIP and must be amended to include Indigenous women, their agencies, and urban Indigenous agencies who are mandated to amplify the voices of Indigenous women and their families living outside of Indigenous governed territory. Indigenous women have a right to be represented by Indigenous women's organizations of their choosing, and governments have an obligation to recognize them as legitimate representatives for Indigenous women's specific needs. ONWA, as the oldest and largest Indigenous women's organization in Canada, is not represented within the federal government's present Nation-to-Nation/ Distinctions-Based framework, which leaves the 34 Indigenous women's organizations and groups that ONWA represents (13 chapters and 21 councils) without a voice in decision-making on issues of importance to Indigenous women's rights and wellbeing.

Nation-to-nation and distinction-based approaches also do not align with the current reality of where Indigenous women and Indigenous peoples live and access services, contributing to ongoing service gaps and unmet needs. For example, 82% of Indigenous peoples in Canada live "off-reserve" in rural and urban centres and access services from Indigenous organizations in these urban/rural settings. In the province of Ontario, the proportion of Indigenous peoples living and accessing services outside of Indigenous governed territory is much higher, at 88%.² Engaging exclusively with distinctions-based Indigenous governance organizations excludes the voices and needs of a significant proportion of Indigenous women and Indigenous peoples who do not have a connection to these organizations.

ONWA notes that Canada's National Report to the 4th UPR Cycle repeatedly references that the Government of Canada has adopted a distinctions-based approach to working with Indigenous peoples across a wide range of areas including, but not limited to, the implementation of TRC Calls to Action, housing, post-secondary education, climate leadership and Jordan's Principle. Through colonial policies and legislation such as the Indian Act, Indigenous women have been displaced from their communities and the government-imposed distinctions-based leadership structures. The continued use of this language and approach is a propagation of paternalistic (and systemically racist and sexist) tactics that have long contributed to Indigenous women's marginalization and silencing.

Without engagement with and interventions led by and for Indigenous women, Indigenous women will continue to have their safety compromised, experience disproportionate involvement with the child welfare system and overrepresentation in the justice system, and have their social determinants of

² Statistics Canada (2022). [Table 98-10-0264-01 Indigenous identity by Registered or Treaty Indian status and residence by Indigenous geography: Canada, provinces and territories.](#)

health impacted. The failure to adopt an approach that is inclusive of Indigenous women is a fundamental barrier to the advancement of human rights in Canada. ONWA strongly encourages the Government of Canada to adopt a more inclusive framework for Indigenous relations and engage and consult with Indigenous women and the organizations that represent them, including throughout the UPR process, in alignment with Indigenous women's rights as outlined in Articles 18, 19, and 23 of UNDRIP.³

Implement Recommendations that Best support Indigenous Women's Safety, Healing and Leadership

As noted above, ONWA calls on Canada to fully accept all 332 recommendations from Member States, and particularly those that prioritize the safety, healing, and leadership of Indigenous women. ONWA recognizes that it will take all levels of governments and civil society, working together, to successfully implement the recommendations. As the oldest and largest Indigenous women's organization in Canada, ONWA has taken up this responsibility with a self-determined, strength-based, and culturally grounded approach. Canada has a long history of discrimination against Indigenous women and excluding Indigenous women from national decision-making process.⁴ For over 50 years, ONWA and other Indigenous women's organizations have been working to empower, support and end discrimination against Indigenous women, and to restore Indigenous women's leadership in their family, communities, and Nations.

There are many intersections between the Member States' recommendations to Canada and ONWA's work to support Indigenous women's safety, healing and leadership, including recommendations related to Mother Earth (6.206, 6.207), Family Violence (6.288), Sexual Violence (6.241, 6.251), Child Welfare (6.1, 6.266, 6.267), Human Trafficking (6.151, 6.155, 6.156), MMIWG (6.304), Housing and Homelessness (6.171), Justice (6.118, 6.120, 6.129, 6.131, 6.248), and Health (6.283, 6.284). Within these priorities, ONWA has holistic programming, training, research, and policy positions. Should the Government of Canada fully accept the Member States' recommendations, they have an opportunity to work with, and adequate resource, organizations like ONWA to implement the recommendations and deliver critically needed, culturally grounded work in support of Indigenous women's safety and empowerment.

³ Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions; Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them; Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

⁴ For example, the exclusion of Indigenous women and their organizations from the constitutional reform talks in the early 1990's, and gender discrimination in the Indian Act which results in the forcible enfranchisement (loss of "Indian" status) of Indigenous women. See for example, *Native Women's Association of Canada v. Canada*, [1994] 3 SCR 62; *Native Women's Association of Canada v. Canada* Women's Court of Canada [2006] 1 W. C. R. 76; *Lovelace v. Canada* [1977-1981] (the right to enjoy First Nation (Indian) culture under art. 27 of the International Civil and Political Covenant); and *Mclvor v. Canada* (Registrar of Indian and Northern Affairs), 2009 BCCA 153.

Closing Comments

In working towards our shared vision of reconciliation and relationship building, ONWA seeks to collaborate meaningfully with the Canadian government on issues that impact Indigenous women and their families. We know that your government is committed to reconciliation and relationship building based on recognition of rights, respect, truth, co-operation, and partnership, as well as ensuring Indigenous women are safe and healthy in their families, communities, and Nations.

ONWA awaits Canada's response to the recommendations put forward. We look forward to continuing to be informed about the practical, timely, and responsible decisions regarding our mutual priorities for Indigenous women and girls' safety and empowerment.

Attachment: Fourth Cycle Universal Periodic Review: Canada

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