# CANADA: United Nations Human Rights Committee on the International Covenant on Civil and Political Rights (ICCPR), 132nd Session, 27 June – 23 July 2021, in preparation for Canada’s 7th Periodic Review

**LIST OF ISSUES SUBMISSION FROM**

**LES FEMMES MICHIF OTIPEMISIWAK / WOMEN OF THE METIS NATION**

As a National Indigenous Women’s Organization in Canada, Les Femmes Michif Otipemisiwak submits this briefing to the United Nations Human Rights Committee on the International Covenant on Civil and Political Rights, in advance of its preparation of the List of Issues for Canada’s 7th Periodic Review.

In this submission, Les Femmes Michif Otipemisiwak sets out its concerns about the implementation of the International Covenant on Civil and Political Rights by Canada, and proposes questions on the following issues: i) Violence against Indigenous Women, Girls and Two-Spirit Persons; ii) Protecting the Human Rights of Sex Workers; and iii) National Action Plans on Gender-Based Violence.

**Issue(s):**

*Violence Against Indigenous Women, Girls, and Two-Spirit Persons*

*Protecting the Human Rights of Sex Workers*

**Question:**

Please describe the measures the Canadian government has taken to review and amend laws and policies with respect to the disproportionate rate of violence against First Nations, Inuit and Métis women and girls, and Two-Spirited and gender diverse Indigenous persons. Please describe specifically the measures taken by the Canadian government to protect those whose (often) forced labour in the sex trade has been historically marginalized, unprotected and subject to violence and death.

**Rationale:**

The ICCPR commits its States parties to respect the civil and political rights of individuals, including the right to life. Article 3 of the Covenant obliges parties to ensure that these rights are enjoyed equally by women. These rights include, among others, the right to physical integrity, the right to liberty and security of the person, the right to individual liberty, and the right to non-discrimination.

On February 19, 2021, Bradley Barton was convicted of manslaughter in the death of Cindy Gladue, in Edmonton, Alberta, in 2011. Ms. Gladue was a Métis-Cree mother of three whose livelihood depended, in part, on labour in the sex trade. Barton was arrested two days after Ms. Gladue’s death and charged with murder. He was acquitted by a jury in 2015. The case was appealed to the Supreme Court of Canada, where Barton was ordered to stand for trial for manslaughter. It took only one day of deliberations for the jury to find Barton guilty of manslaughter in the death of Ms. Gladue. (*Aboriginal Peoples Television Network News*, February 22, 2021)

The former head of the National Inquiry into Missing and Murdered Indigenous Women and Girls applauded the decision, stating: “So far, Canadian governments have failed to recognize this readiness for change. We are waiting, still, for them to build new, decolonizing relationships with Indigenous people. It is only with new relationships that Indigenous women, girls and Two Spirit people ***will be safe in their own homes and their communities***.” [emphasis added] (*Winnipeg Free Press*, February 19, 2021)

The disturbing nature of this case and the decade-long, devastating process for Ms. Gladue’s family and community to obtain justice, respect and honour for her life as a Metis-Cree woman and mother, who loved her family and was loved by them, reveals the ongoing failure of the Canadian government “to publicly condemn, investigate and punish acts that normalize violence and discrimination against Indigenous peoples in Canada.” (Amnesty International, *No More Stolen Sisters: The Need for a Comprehensive Response to Discrimination and Violence against Indigenous Women in Canada*, AMR 20/012/2009)

**Issue(s):**

*National Action Plans on Gender-Based Violence*

**Question:**

In developing Canada’s National Action Plan to Prevent and Address Violence Against Indigenous Women, Girls, and Two-Spirited and gender diverse Indigenous persons, please explain whether the Canadian government is being guided by rights holders; that is, by the three rights-bearing Indigenous Peoples of Canada (First Nations, Inuit, and Métis). In particular, please describe the measures Canada has taken to ensure the sufficient inclusion and engagement of First Nations, Inuit, and Métis Indigenous Women’s Organizations, and grassroots Indigenous women’s organizations across Canada, in developing the National Action Plan.

**Rationale:**

The ICCPR commits its States parties to respect the civil and political rights of individuals, including the right to life. Article 3 of the Covenant obliges parties to ensure that these rights are enjoyed equally by women. Article 26 declares that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.

On March 16, 2021, the Royal Canadian Mounted Police (RCMP) in Winnipeg, Manitoba, charged a 16-year old male with Second Degree Murder in the femicide of Tamara Benoit, a 36-year old Métis mother, sister, daughter and friend. Ms. Benoit was in the midst of researching her family history and learning more about her Métis background and culture. As noted by the RCMP, “Her life was cut tragically short.” (Royal Canadian Mounted Police, News Release, “Update – RCMP make third arrest in homicide investigation”, March 17, 2021)

Ms. Benoit was reported missing on July 10, 2020, and on September 3, 2020, her remains were found in the rural municipality of Portage La Prairie, west of Winnipeg. Cameron Friesen, the Minister of Justice and Attorney General of Manitoba, spoke of the charges that had been laid, “in the tragic and senseless murder of Tamara Benoit. ***Too often, Indigenous women and girls have been the victims of violence and their families don’t receive the closure and sense of justice they need to heal.”*** [emphasis added] (Royal Canadian Mounted Police, News Release, “Update – RCMP make third arrest in homicide investigation”, March 17, 2021).

As recommended previously by Amnesty International, Canada should “develop and implement a coordinated, comprehensive, and well-resourced National Action Plan to Prevent and Address Violence Against Indigenous Women, Girls, and Two-Spirit Persons, ***guided by rights holders***, that is well coordinated with and sits alongside a National Action Plan to Prevent and Address Gender-Based Violence. ***The federal government must work with Indigenous women’s organizations*** and grassroots advocates, as well as civil society organizations, and provincial, territorial, municipal, and Indigenous governments and governance to develop the plan.” [emphasis added] (Amnesty International, Canada Submission to the United Nations Committee on the Elimination of Discrimination against Women, 76th PSWG, LOIPR, November 11-15, 2019).

To date, the Canadian government’s engagement with First Nations, Inuit, and Métis women’s organizations, including National Indigenous Women’s Organizations, has been limited and haphazard. There has been very little co-development or co-design of the actual process to engage with Indigenous women’s organizations across Canada, on a distinctions basis, or to solicit their views on the critical need for a National Action Plan on Missing and Murdered Indigenous Women and Girls. Instead, Canada’s National Action Plan, drafted and proposed by the federal government, has been developed with the input of a small number of Indigenous stakeholders who do not necessarily represent the views or experiences of Métis women, girls, Two-Spirited and gender diverse Métis.