

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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Organization: Lawyers Rights Watch Canada
Item: Interactive Dialogue Items 3 & 5:
Report of the Special Rapporteur on the Rights on Indigenous Peoples and
Violence against Women
Speaker: Vani Sevalrajah

Madame President,

Lawyers Rights Watch Canada welcomes the recommendations of the Special Rapporteur on the Rights of Indigenous people on the need for states to take a holistic approach to preventing and punishing violence against indigenous women and girls. His report concludes that to remedy “the structural legacies of colonialism and discrimination” facing indigenous peoples, states must provide indigenous women with, inter alia, a/ increased access to justice; and, b/ the right to participate in programmes designed to prevent and punish violence against them.

Recently, the Committee on the Elimination of Racial Discrimination expressed concerns about the extreme levels of violence experienced by Indigenous women and girls in Canada and also recommended improved access to justice as part of a remedy.

In spite of these recommendations, lack of equal access to justice for indigenous women and girls and to decision making regarding remedies remains a global problem that continues to fuel human rights abuses against them.

For example, in Canada’s first inquiry into the disappearance and murders of women, many of whom were indigenous, in British Columbia, Canada, the Native Women’s Association of Canada and other groups representing indigenous women and girls were prevented from meaningful participation and thereby denied access to justice.

The Native Women’s Association of Canada is the national voice of Indigenous women and has been a leader in documenting the disappearances and murders of Indigenous women and girls across Canada. Although NWAC and other Indigenous groups were granted full standing at the Inquiry, legal aid funding was refused. Unable to fully participate in the inquiry without legal representation these groups—those with direct knowledge of the lives and conditions of the disappeared and murdered women--withdrew from the Inquiry. All three levels of government were represented at the Inquiry by publicly-funded counsel. The refusal of legal aid funding to NWAC and other groups granted standing at this Inquiry resulted in them being treated differently and unequally from groups granted standing at other Commission of Inquiry. The decision to refuse to fund counsel for parties granted standing is unprecedented in Canada.

This example demonstrates the urgent need for states to address persistent unequal access to justice that continues to contribute to disproportionate violence and other human rights abuses against indigenous women and girls and prevents remedies.

Thank you Madame President.