

## JOINT DECLARATION

### PREAMBLE

*"The National Council of Women of Canada (The "NCWC") is a member of the International Council of Women, accredited with the United Nations' Economic and Social Council's Commission on the Status of Women. NCWC is linked with seventy-seven Councils and member groups in Canada and is committed to improving the well-being of women, families and communities."*

**WHEREAS** **Individuals in attendance at NCWC's 118<sup>th</sup> Annual Meeting held in Winnipeg, June 2<sup>nd</sup> to June 4<sup>th</sup> (The "Delegates")** bear witness to the critical, tragic and inequitable issue of Missing and Murdered Aboriginal Women and Girls in Manitoba, and across Canada; and

**WHEREAS** **Delegates** unequivocally affirm their commitment to actively working together towards complete protection of, respect for and fulfilment of Canada's Indigenous Peoples' human rights; acceptance and affirmation of their cultural identity; and their declared Right of Self-Determination; and

**WHEREAS** **Delegates** are committed to encouraging the Government of Canada to implement a National Task Force leading to federal legislation that prevents further missing and murdered women/girls, and that addresses the systemic and inequitable access for culturally appropriate services at the community level and enacts a paradigm shift in how policies are designed that govern such programs and services;

**THEREFORE, Delegates** affirm, assert and recognize **Inherent and Treaty Rights of Aboriginal Peoples in Canada and seek to support the full and equitable participation of Aboriginal Peoples, in particular Aboriginal women and girls, within Canadian society intrinsically addressing the systemic issues of violence against Aboriginal women and girls and eradicating social, cultural, economic and spiritual inequalities encountered by Aboriginal women and girls in Canada;**

**AND, FURTHER, Delegates** support the second annual **"Walk for Justice" for murdered and missing women starting June 21, 2011, and encourage others to support the walk as it moves across Canada.**

**WHEREAS** In November 2008, the UN Committee on the Elimination of Discrimination against Women (CEDAW) reviewed Canada's compliance with the *Convention on the Elimination of All Forms of Discrimination against Women*, and issued its Concluding Observations in Geneva where the Committee asked Canada to report back in one year on steps taken to address inadequate social assistance rates across the country and the failure of law enforcement agencies to deal with the disappearance and murder of Aboriginal women and girls; and

**WHEREAS** In February 2009 Canada was told by the UN Human Rights Council it is not doing enough in areas such as aboriginal rights, violence against women, poverty and racism; and

**WHEREAS** CEDAW recommended Canada develop a specific and integrated plan for addressing the particular conditions affecting Aboriginal women, both on and off reserves, including poverty, poor health, inadequate housing, low school-completion rates, low employment rates, low income and high rates of violence; and

**WHEREAS** **NCWC** continues to urge the Government of Canada to develop, fund and implement an integrated plan, in collaboration with the **NWAC**, to address the systemic conditions affecting Aboriginal women, specifically insufficient services and resources, and to continue collaboration and partnership with Aboriginal communities in addressing systemic issues of violence against women and children; and

**WHEREAS** **NCWC in solidarity with the Native Women's Association of Canada (NWAC)** continues to urge the Government of Canada to engage in open and meaningful dialogue with **NWAC**, in reporting back to CEDAW, with particular attention to addressing the disappearance and murder of Aboriginal women and girls.



## Background of NCWC Policy

Since 1997 the National Council of Women of Canada has adopted as policy and has urged the Government of Canada to

1. Work with provincial and territorial governments and with aboriginal organizations and governing bodies to develop and fund more safe houses/shelters, on and off reserve, including programs and services that respect aboriginal culture and traditions, for aboriginal women and their children who are victims of family violence. Engage stakeholders to successfully address the underlying issues contributing to the high rate of family violence within the Aboriginal community, and to increase the capacity of Aboriginal women to break the cycle of family violence;
2. Collaborate with Provincial and Territorial governments and with aboriginal organizations and governing bodies, and to consult with civil society to develop anti-poverty legislation that includes a strategy to eliminate poverty by addressing the systemic barriers to full social participation by all Canadians and which contains accountability measures for government, in support of the UN Millennium Goals;
3. Provide more effective prenatal care for aboriginal women, as they are disproportionately affected by HIV/AIDS, so that their children are less likely to be born HIV+;
4. Study the *Report of the Royal Commission on Aboriginal Peoples* and undertake appropriate action using a conciliatory process to create a new and better relationship between the Government of Canada and Aboriginal Peoples;
5. Remove section 67 of the *Canadian Human Rights Act*<sup>1</sup> as quickly as possible and to draft an Aboriginal Human Rights Code in consultation with First Nations governments in compliance with the UN Human Rights Conventions;
6. Sign<sup>2</sup> and Ratify the *UN Declaration on Rights of Indigenous Peoples*;
7. Establish a national comprehensive child care policy designed to facilitate the development of child care services and resources which would, *inter alia*, be sensitive to the particular cultural requirements of aboriginal and immigrant families;
8. Enter into partnership with Aboriginal communities and organizations to review and identify barriers to the use of Section 81 and 84 of the *Correctional and Conditional Release Act*<sup>3</sup>, and create and

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<sup>1</sup> This section was repealed in June 2008:

[http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills\\_ls.asp?lang=E&ls=c21&Parl=39&Ses=2&source=library\\_prb](http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?lang=E&ls=c21&Parl=39&Ses=2&source=library_prb)

<sup>2</sup> Canada has signed on as of November 2010 but has yet to ratify the declaration through domestic legislation or enforcement.

<sup>3</sup> The sections on 'Aboriginal Offenders' are below and the Act can be found at: <http://www.canlii.org/en/ca/laws/stat/sc-1992-c-20/latest/sc-1992-c-20.html>

**79.** In sections 80 to 84,

“aboriginal”

« *autochtone* »

“aboriginal” means Indian, Inuit or Métis;

“aboriginal community”

« *collectivité autochtone* »

“aboriginal community” means a first nation, tribal council, band, community, organization or other group with a predominantly aboriginal leadership;

“correctional services”

« *services correctionnels* »

“correctional services” means services or programs for offenders, including their care and custody.

Programs

**80.** Without limiting the generality of section 76, the Service shall provide programs designed particularly to address the needs of

implement an action plan to encourage its use for Federally Sentenced Aboriginal Women. This partnership should include financial resources for those communities wishing to undertake the responsibility of assisting in the reintegration of Aboriginal women offenders; and Ensure that Federally Sentenced Aboriginal Women are fully aware of Sections 81 and 84 of the *Corrections and Conditional Release Act* and encouraged to apply under these sections;

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aboriginal offenders.

#### Agreements

**81.** (1) The Minister, or a person authorized by the Minister, may enter into an agreement with an aboriginal community for the provision of correctional services to aboriginal offenders and for payment by the Minister, or by a person authorized by the Minister, in respect of the provision of those services.

#### Scope of agreement

(2) Notwithstanding subsection (1), an agreement entered into under that subsection may provide for the provision of correctional services to a non-aboriginal offender.

#### Placement of offender

(3) In accordance with any agreement entered into under subsection (1), the Commissioner may transfer an offender to the care and custody of an aboriginal community, with the consent of the offender and of the aboriginal community.

1992, c. 20, s. 81; 1995, c. 42, s. 21(F).

#### Advisory committees

**82.** (1) The Service shall establish a National Aboriginal Advisory Committee, and may establish regional and local aboriginal advisory committees, which shall provide advice to the Service on the provision of correctional services to aboriginal offenders.

#### Committees to consult

(2) For the purpose of carrying out their function under subsection (1), all committees shall consult regularly with aboriginal communities and other appropriate persons with knowledge of aboriginal matters.

#### Spiritual leaders and elders

**83.** (1) For greater certainty, aboriginal spirituality and aboriginal spiritual leaders and elders have the same status as other religions and other religious leaders.

#### Idem

(2) The Service shall take all reasonable steps to make available to aboriginal inmates the services of an aboriginal spiritual leader or elder after consultation with

(a) the National Aboriginal Advisory Committee mentioned in section 82; and

(b) the appropriate regional and local aboriginal advisory committees, if such committees have been established pursuant to that section.

#### Parole plans

**84.** Where an inmate who is applying for parole has expressed an interest in being released to an aboriginal community, the Service shall, if the inmate consents, give the aboriginal community

(a) adequate notice of the inmate's parole application; and

(b) an opportunity to propose a plan for the inmate's release to, and integration into, the aboriginal community.

#### Plans with respect to long-term supervision

**84.1** Where an offender who is required to be supervised by a long-term supervision order has expressed an interest in being supervised in an aboriginal community, the Service shall, if the offender consents, give the aboriginal community

(a) adequate notice of the order; and

(b) an opportunity to propose a plan for the offender's release on supervision, and integration, into the aboriginal community.

1997, c. 17, s. 15.