**A Written Submission to the 79th Session of the Committee on the Elimination of Discrimination Against Women Seeking Input on the Rights of Indigenous Women**

**Date:** June 18, 2021

**To:** Committee on the Elimination of Discrimination against Women

**Intervenor:** Dr. Lynn Gehl, Ph.D., Algonquin Anishinaabe-kwe (from Canada)

**Re:** General Discussion of the General Recommendations on the Rights of Indigenous Women and Girls (General Discussion on GRIWAG)

**Theme:** Part 1: Equality and non-discrimination with a focus on Indigenous women and girls and intersecting forms of discrimination

**Submission Focus:** Indigenous women and Girls with Disabilities are Targets of Sexual Violence

**Introduction**

Miigwetch (Thank you) for this opportunity and for accepting my submission. I am writing from the positionality of an Indigenous woman with a vision disability living in what is now called Canada. Canada, the nation State, has illegally located its parliament buildings and supreme court on my nation’s land in what is now called the City of Ottawa, the Algonquin Anishinaabe territory, yet I continue to live under racism, sexism, ableism, and the consequences of the interactional magnification of these three structural oppressions. Further, the Algonquin nation does not have a treaty with Canada and we are currently being forced to officially extinguish our land rights through the land claims process that Canada calls the “modern treaty process”. It is from this horrible location that I offer my submission to the Committee on the Elimination of Discrimination against Women’s (the Committee) general discussion regarding Indigenous women and girls with disabilities (IWagWid) who are bigger targets of sexual violence. This group of women and girls live under layers of intersecting oppression; and they require the protection of the United Nations and all State party signatories of which Canada is.[[1]](#endnote-1)

**The Committee’s 2021 Concept Note**

As the Committee’s concept note[[2]](#endnote-2) framing the 2021 general discussion offers, Indigenous women are vulnerable because they face discrimination on the basis of gender and race. The Committee understands that living under two structural oppressions results in increased discrimination and human rights violations. For example, the Committee has stated that one out of three Indigenous women have suffered from sexual violence. Thus, the Committee concludes, confronting violence against Indigenous women requires nation States to adopt comprehensive measures to prevent, investigate, and punish violators.

That said, the Committee correctly understands Indigenous women are more vulnerable, and they also understand that the specific vulnerabilities we live with have not been reported on, where subsequently there has been a lack of recommendations put forward in terms of ensuring that State parties address the human rights of Indigenous women. Of course Indigenous women have the right to be born free from oppression, as do IWagWid. Regardless of the lack of recommendations put forward, Indigenous women and organizations are speaking up about the protection of Indigenous women and girls and the need for concrete action. In offering this submission I am standing up for Indigenous women and girls with disabilities, many of whom literally cannot stand up.

**“Triple Jeopardy Magnified” and Canada’s National Action Plan**

Kimberlé Crenshaw’s (1989) “intersectional oppression” was an important shift in feminist theory because it speaks to the lived effects of surviving under multiple structural oppressions. The concept, though, is oftentimes misunderstood by many people, inclusive of State representatives. While some people understand it as speaking of a place where two or more oppressive structures are layered, or of a place where two or more structural oppressions intersect like a crossroads, the concept means much more. The lived reality of intersectional oppression is far worse than layering or addition.

Understanding the lived reality of IWagWid is best cognitively grasped through the sister concept of “triple jeopardy magnified”. “Magnified” is specifically added because understanding intersectional oppression as merely layered or in terms of a crossroads, fails to capture the extent of the structural oppression that IWagWid live under. In offering more discourse in understanding the magnification of the intersectional power force that hammers down on IWagWid, it must be understood that the oppressive power force is greater than the sum of its individual parts. This is because the intersection of the different structural oppressions – gender, race, and disability – actually reinforce, interact, and magnify the oppression. Because of this magnification effect, it is best to think of the oppression as “triple jeopardy magnified”. This magnification of intersectional structural oppression is analogous to the reality that certain medicines/pharmaceuticals can interact with one another in ways that can kill a person. Intersectional oppression is deadly and thus requires nation states such as Canada to act on an emergency basis versus continue to spew obfuscating rhetoric about programs and the need for consultation and additional data.

Canada’s Missing and Murdered Indigenous Women and Girls (MMIWG) national inquiry concluded that the violence experienced by Indigenous women, girls, and 2SLGBTQQIA+ people is genocide. I agree, and am grateful for this hard work. Unfortunately the MMIWG inquiry process and the Reclaiming Power and Place (2019) final report did not address the particular vulnerabilities and needs of IWagWid, yet they are bigger targets of sexual violence. They are bigger targets because many have vision and/or hearing disabilities and thus cannot see or hear perpetrators approach them, or because many rely on wheel chairs and walkers, whereas others are paralyzed and confined to their beds unable to defend themselves. This submission seeks to fill this gap in recommendations on these more vulnerable Indigenous women and girls with disabilities.

While Canada’s recent National Action Plan (NAP) (June 2021) claimed an intersectional lens as a guiding principle, as stated the Plan failed to address the lived reality of IWagWid. The reason for this, I suggest, is because within the MMIWG and thus the NAP disability was not recognized as a significant pillar of a person’s identity where as a result their lived realities and the barriers they face were not folded into the process. In this way the intersectional lens relied on by NAP failed the most oppressed. In tabling the NAP, Canada failed in its refusal to act on this emergency situation in an immediate way. Indigenous women and girls with disabilities are being sexually assaulted in their own beds. Canada must not rely on the obfuscating rhetoric of the need for consultations or the obfuscating rhetoric of the need to respect Indigenous self-government. The women and girls have human rights that Canada is violating yet Canada is a signatory to the Convention on the Elimination of Discrimination Against Women.

**Honouring Elders’ Words**

Contrary to what some people think Indigenous women with disabilities living in Canada have been advocating for their basic human rights, and the right to live free from sexual assault for a long time. In 1992, Judi Johnny lamented Indigenous women with disabilities are the “most violated against by both races, both sexes, and both communities”, adding we have been raped by our medical attendants, doctors, nurses, and occupational therapists (RCAP, 1996, vol. 3, p. 51). More recently, in 2013 Doreen Demas offered her insights into the bleak reality of Indigenous women and girls with disabilities, explaining “some women and girls with disabilities cannot identify their abuser due to their disability” as in cases where the victim is blind. Demas further added, “many deaf and hard of hearing women and girls and other disabled women and girls in Indigenous communities cannot communicate because they have had no access to sign language or any language” (International Disability Alliance, 2013, p. 2).

As Johnny and Demas demonstrate, Indigenous women with disabilities in Canada have been speaking up about living under layers of intersectional oppression, expressing that Canada must meet their needs. Despite this, broader society, politicians, medical professionals, social services, and policy makers have been unable to serve their human rights needs. Canada can do more and Canada must do more.

**Statistics**

In 2016 Canada’s population was 35,151,728, where Indigenous people made up 4.9%, or 1,673,785, of the population (2016 Census topic, 2017; Aboriginal peoples, 2017). Relying on 2012 data Burlock (2017) stated that 93,370 or 22% of Indigenous women and 53,530 or 14.6% of Indigenous men reported having a disability. In terms of the larger Canadian population, Indigenous women were more than 1.5 times as likely than non-Indigenous women to report having a disability (Burlock, 2017). From this we are able to determine that gender and race matters in the likelihood of having a disability.

This horrible intersectional trend is confirmed in more recent data. Relying on 2017 data Hahmann, Badets, and Hughes (2019) stated that First Nations people living off reserve have a disability rate of 32%, whereas the rate for the general population was 22%. Again here we are able to determine that race matters. As suggested, similar to Burlock, Hahmann et al. agree Indigenous women are more likely to have a disability than Indigenous men. Again here we are able to determine that gender matters. In terms of actual numbers, in 2017 Statistics Canada stated 188,250 Indigenous women and 118,640 Indigenous men live with one or more disabilities. These numbers almost doubled since 2012.

What is more, relying on 2014 data, Boyce (2016) stated Indigenous women experience violent victimization at a rate that is *two times* more than Indigenous men, and at a rate that is almost *three times* more than non-Indigenous women. Thus we can determine that the intersection of gender and race results in violence. Speaking more broadly, Cotter (2018) has stated that women with a disability, versus women without a disability, are twice as likely to experience sexual assault; whereas women with a cognitive or mental health-related disability, versus women without, are four times as likely to suffer violent victimization. Moving in the direction that is specific to the population of Indigenous women with disabilities and their experience with violence, in 2018 Statistics Canada conducted the first Survey of Safety in Public and Private Spaces, offering crucial knowledge regarding the lived reality of intersectional oppression that Indigenous women and girls with disabilities are forced to contend with:

* Indigenous women living with a disability are about *2 times* more likely than Indigenous women who do not have a disability to report sexual assault at least once since the age of 15 (55% versus 30%, respectively); and,
* Indigenous women living with a disability are about *1.5 times* more likely than non-Indigenous women with a disability to report sexual assault at least once since the age of 15 (55% versus 39%, respectively).

Thus, as the concept of intersectional oppression implies, a person’s race, a person’s gender, and having a disability results in being bigger targets of sexual violence. There is an urgent need for Canada to better serve and protect IWagWid. Canada must address the multiple layers of structural oppression that are reinforcing, interacting, and magnifying the oppressive power force that they struggle under.

**Etiology of Disability in Indigenous Peoples**

Ng (1996) cites accidents as the cause of higher rates of disabilities in Indigenous populations, followed by ageing and congenital factors; whereas Durst, Manuel, and Bluechardt (2006) state Indigenous populations have congenital disabilities at the same rate as the Canadian population where environmental racism, injury, accidents, and illnesses due to poor water and diet explain the higher rate. Rioux (2014) concurs with Durst et al., stating the reason for higher rates of disabilities is the result of poverty, poor living conditions, and environmental racism through the resource extraction industries such as the construction of dams and mines. To this I will add, the higher rate of disabilities is due to the destruction of Indigenous knowledge systems and governance structures.

**Recommendations Previously Made**

Canada’s strategy at addressing the sexual violence and other forms of gender based-violence that IWagWid experience has to rely on first, a broader system approach in terms of their families and communities that they are situated within, and second, rely on a gendered lens in terms of their more personal and private needs as Indigenous women and girls with disabilities. One framework or way of addressing the issues cannot displace the other as both lenses are required. This of course speaks to the need to appreciate all research on Indigenous people with disabilities and their recommendations, as well as research that more specifically focusses on Indigenous women and girls with disabilities and their recommendations. This dual broader and focused approach in understanding IWagWig is reflected in the recommendations listed below: 1. Personal and Community Recommendations.

That said, the issues Indigenous people with disabilities, inclusive of Indigenous women and girls with disabilities, experience and live with have been a topic of discussion and research as early as Canada’s 1981 Obstacles report and again with Canada’s 1987 Obstacles report. The 1987 report offered twenty-two recommendations inclusive of the need to address poverty, and the need to resolve the jurisdictional issues regarding supports and services (see Durst and Bluechardt, 2001). Regardless, little action has been taken. Following this, key research such as the Royal Commission on Aboriginal Peoples (1996), Durst and Bluechardt (2001, 2004), Fricke (1998), Hirji-Khalfan (2009), Stienstra (2018), Abbas and Alimi (2019), and Elias and Demas (2001) also put forward recommendations. More recently the British Columbia Aboriginal Network on Disability Society (2017, 2018), the Native Women’s Association of Canada (Quinlan, 2017), and the Assembly of First Nations (2017) have also put forward many recommendations that would serve IWagWid.

To this end, these many recommendations previously put forward have been disaggregated into two main categories: 1. Personal and Community Recommendations, and 2. Department Structural and Policy Recommendations. The intended goal in the disaggregation of these recommendations is to best direct Canada’s policy and program decisions on how to protect and serve IWagWid. In terms of the first category – Personal and Community Recommendations – as stated it would be a mistake to only offer individual remedies when Indigenous women and girls exist within a family and community context who are their primary caregivers. The same can be said regarding the homes they live in, in that clearly their homes and communities require accessibility accommodations as well as clean water, good plumbing, reliable electricity, and proper ventilation. In terms of the second category – Department Structural and Policy Recommendations – clearly at the departmental and policy level Canada must address such items as underfunding, the establishment of advocacy offices, creating more and better programs, services, and supports, as well as addressing the jurisdictional issues that continue to plague Indigenous peoples, families, and communities. Again drawing on previous research there are 31 recommendations: 15 in the Personal and Community category; and 16 in the Department Structural and Policy category.

Personal and Community Recommendations:

1. Address and work to ensure service and funding gaps for Indigenous persons with disabilities in the areas of medical, dental, and nutritional related needs are met because social assistance is not enough (Note, the goal here is not equality with non-Indigenous persons with disabilities because the current model fails them too.);
2. Address and work to ensure that housing accessibility needs are met for persons with disabilities, and that housing related needs such as heating, electricity, plumbing, and ventilation are met;
3. Address and work to ensure that homes and community buildings are fully accessible to persons with disabilities;
4. Provide funding for caregivers of persons with disabilities, inclusive of family and community caregivers;
5. Provide respite funding for caregivers of persons with disabilities, inclusive of family and community caregivers;
6. Institute an appointment system so the clients, who are persons with disabilities, are able to rely on. This will ensure service providers show up for the appointments;
7. Ensure that service providers are qualified, as well as screened and approved to work with Indigenous women and girls with disabilities;
8. Address and work to ensure that persons with disabilities have employment opportunities at living wage standards and with flexible work hours or reduced work hours with full time pay;
9. Provide additional funding for the special child care that children with disabilities require;
10. Provide more education and training funding that accommodates for extra time required;
11. Provide more supports and services in communities inclusive of trauma related services;
12. Provide additional funding for transportation both within communities and to neighbouring communities and cities because often times the only access to supports and services is outside the community;
13. Work with Indigenous communities and organizations to ensure that services and supports are culturally relevant;
14. Call on leaders to become more aware of the issues and become better advocates for Indigenous women and girls with disabilities; and,
15. Community leaders must listen to Indigenous women and girls with disabilities and rely on them in shaping programs, supports, and services.

Department Structural and Policy Recommendations:

1. Provide equitable supports and services to that of all other Canadians;
2. Resolve all the jurisdiction issues. One such suggestions is to institute Jordon’s Principle for adults;
3. Institute an employment equity program;
4. Place all service providers under one domain in one building as this will serve accessibility issues;
5. Establish provincial advocacy offices and appoint provincial / regional ombudspersons;
6. Institute call centres for remote communities;
7. Create more preventative awareness programs about disabilities with a focus on FASD;
8. Resolve the English-French barriers in Quebec such as provide persons with disabilities with a translation service;
9. Ensure that supports and services will not be disrupted when resource development projects and their workers move in and settle;
10. Provide more care for incarcerated and institutionalized Indigenous women and girls with disabilities;
11. Ensure all foster parents are trained, screened, and approved as safe to work with and care for Indigenous girls with disabilities;
12. Ensure that all social, health care, medical care, and mental health providers are trained, screened, and approved as safe to work with and care for Indigenous women and girls with disabilities;
13. Ensure that all transportation, education, and employment services personnel are trained, screened, and approved as safe to work with and care for Indigenous women and girls with disabilities;
14. Listen to Indigenous women and girls with disabilities, and rely on them in shaping programs, supports, and services;
15. Provide cultural awareness training for all support and service providers; and,
16. Create a nation-wide awareness campaign about the lived reality of Indigenous people with disabilities, in particular about the need to better ensure the safety of Indigenous women and girls with disabilities.

**Concluding Comments**

Since the early 1980s and as recently as 2018 several reports, Indigenous organizations, and Indigenous women have been asking Canada to address the human rights needs of Indigenous women and girls with disabilities. The recent Gehl Report (2021) pulls together these recommendations; and also pulls forward recent statistical data that clearly demonstrates that Indigenous women and girls have a higher rate of disabilities, and further they suffer a higher rate of sexual violence. While these recommendations and statistics have been put forward, Canada’s recent National Action Plan (2021) fails to take the much needed emergency action in meeting the human rights needs of Indigenous women and girls with disabilities, yet Canada is a signatory to the United Nations Convention on the Elimination of Discrimination against Women.

It is my hope that this submission will be deemed a suitable and valuable contribution regarding the general discussion on the need for the human rights protection of Indigenous women and girls with disabilities who are forced to live under multiple layers of intersectional oppression resulting in triple jeopardy magnified. They, as all human being are, are deserving of a life that is born free.

1. This submission relies on The Gehl Report: Indigenous Women and Girls with Disabilities and Gender-Based Violence (2021). This report, with bibliographic references, is available through www.lynngehl.com [↑](#endnote-ref-1)
2. https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/DGDRightsIndigenousWomenAndGirls.aspx [↑](#endnote-ref-2)