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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Canadian Research Institute for the Advancement of Women, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2024]

* Issued as received, in the language of submission only.



Indigenous Women and Mother Earth

The Ontario Native Women's Association (ONWA) is the oldest and largest Indigenous women's organization in Canada. For over 50 years, ONWA has worked to end all forms of violence against Indigenous women, improve Indigenous women's safety and restore our leadership. Canadian Research Institute for the Advancement of Women and ONWA recognize that Indigenous women are the medicine needed to heal ourselves, families, and communities.

For time immemorial, Indigenous women have cared for the environment and Mother Earth because we know that when she is safe and well, we are all safe and well.

We thank the Special Rapporteur on the human rights to water and sanitation for his 2024 visit to Canada and his recommendations to Canada to uphold Indigenous Peoples' rights.

Indigenous Women's Relationship with Water

Water is necessary for human survival, but for Indigenous communities it also holds spiritual and cultural significance. It is a living spirit, sacred to Indigenous peoples because it gives life, and water is essential in many ceremonies.

Indigenous women have traditional and inherent roles as water carriers and protectors of traditional lands and waterways. We have a shared responsibility to ensure that water is clean, accessible, and continues to fulfill its spiritual roles for our communities, our grandchildren, and our grandchildren's children.

Article 25 of the United Nations Declaration on the Rights of Indigenous Peoples provides protections for the special relationship that Indigenous women have with water.

Reclaiming our traditional roles and restoring our leadership is central to Indigenous women's healing. This is how we will dismantle the colonial systems that continue to perpetuate violence against us and Mother Earth.

Issue of Concern: Indigenous Women's Safety

Climate destruction, resource extraction and poor environmental management are affecting the availability, quality, and quantity of water in Canada, and Indigenous women are disproportionately affected.

Indigenous women are at the forefront of action defending their water systems and territories from irreversible harm and frequently face violence. There is a long history of racialized gender-based violence that has been perpetrated on Indigenous women in Canada.

We echo the Special Rapporteur's End of Mission Statement following his 2024 visit to Canada: "Indigenous Peoples' rights to peaceful protest and freedom of expression have been breached through criminalization, repression, and persecution, undermining the trust and credibility on the reconciliation commitment" (2).

We further echo calls from the Special Rapporteur on the Rights of Indigenous Peoples and the Committee on the Elimination of Racial Discrimination to end the criminalization of Indigenous human rights defenders defending their lands and resources from extractive industries and business actors. The right to safety for Indigenous women and girls who engage in water protection must be ensured at all levels of government, whether local, territorial, national, or international.

Issue of Concern: Indigenous Women's Health, Healing and Wellbeing

Water is inextricably linked to Indigenous women's health, healing and wellness. The contamination of waterways and access to reliable, clean drinking water are inherently connected to the systemic marginalization of Indigenous women.

For decades, the peoples of Grassy Narrows First Nation have been dealing with the devastating effects of mercury poisoning from the Dryden Chemical Company and current logging practices, which continues to impact the physical and mental health, and the lives and culture of their community.

We are concerned about the lack of access to water and its implications on sanitation for urban Indigenous community members who are experiencing homelessness or reside in encampments (1). Lack of access to water restricts people’s ability to wash themselves, including their clothes, prevents proper wound care and other sanitary practices, such as hand washing, and inhibits our ability to engage in proper self-care practices during our moon time. We know that when Indigenous women are struggling to have our basic needs met, we cannot be empowered as leaders to drive change and restore our relationships with Mother Earth.

In engagements we held with over 300 Indigenous women, youth, and Elders, we heard about the importance of our traditions and responsibilities for caring for Mother Earth. Indigenous women told us how “Mother Earth is only going to be healthy if we follow the laws of our ancestors.” Indigenous women spoke of reclaiming responsibilities by “becoming leaders within their own communities [and] promoting traditional ways of living.”

Issue of Concern: Federalism as an Excuse for Inaction

Canada continues to use federalism and jurisdictional divides between federal, provincial and territorial (FPT) governments as an excuse for inaction and a lack of accountability to improving Indigenous communities’ access to safe drinking water and sanitation. We echo the Special Rapporteur’s End of Mission Statement following his 2024 visit to Canada: “this division of powers cannot blur the federal government’s ultimate obligation to guarantee human rights to drinking water and sanitation throughout the country.” Access to safe drinking water and Indigenous women’s relationships with Mother Earth are not confined to jurisdictional boundaries – action to address it and to uphold Indigenous women’s inherent rights must not be either.

Issue of Concern: Indigenous Women’s Right to be Engaged

Indigenous women are the experts in the issues that we face. The traditional knowledge and cultural values Indigenous women hold are key to the protection and sustainability of our water, for all future generations in all communities. Indigenous women must be consulted and engaged in the matters that impact our traditional lands and waterways – this is our right, enshrined in United Nations Declaration on the Rights of Indigenous Peoples and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) General Recommendation 39.

Yet, Canada continues to adopt a distinctions-based, nation-to-nation policy towards Indigenous relations that excludes Indigenous women and our agencies as equal and legitimate partners in decision-making and beneficiaries of core federal funding.

Recommendations:

In alignment with the Special Rapporteur’s report, we recommend Canada immediately take the following action to ensure safe drinking water, sanitation, and the protection of Indigenous women’s inherent rights:

1. Implement a nation to nation/distinctions-based PLUS approach (3) to uphold Indigenous women’s inherent leadership rights and right to participate in decision-making on issues that impact their lives. This includes the 83% of Indigenous women in Canada who live off-reserve, outside of First Nation communities.
2. Invest in more research and solutions led by Indigenous women and Indigenous women’s organizations to develop safe water programming and practices.

3. Provide core, sustainable funding to Indigenous women’s organizations to create and/or maintain culturally grounded safe spaces and services for Indigenous women that support their safety, healing, and empowerment.

Ontario Native Women's Association (ONWA) NGO(s) without consultative status, also share the views expressed in this statement.

(1) “Violent victimization and perceptions of safety: Experiences of First Nations, Métis and Inuit women in Canada”, Statistics Canada. 2022. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00004-eng.htm>

(2) End of Mission Statement by the Special Rapporteur on the human rights to safe drinking water and sanitation, Mr. Pedro Arrojo-Agudo at the conclusion of the country visit to Canada, United Nations Human Rights Special Procedures. 2024.

(3) 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.