



FEB 05 2015

VIA EMAIL

Dear Stakeholder:

I am writing to provide you with a copy of the draft Justice Framework to Address Violence Against Aboriginal Women and Girls, for your feedback. The draft Framework was approved by the federal, provincial and territorial Ministers Responsible for Justice and Public Safety.

The Framework aims to be collaborative and to represent the perspectives of Aboriginal groups and communities, service providers, justice system representatives and other partners. Also attached is a background document which provides information about the development of the draft Framework and consultations to date.

Your feedback on the draft Justice Framework is encouraged. Changes to the draft will require consensus from the FPT justice departments involved in this work. Please forward your comments to:

Ms. Sherri Lee
Senior Policy and Legislation Analyst
Ministry of Justice
Email: Sherri.Lee@gov.bc.ca
Telephone: 250-953-4261

Feedback is requested by **March 31, 2015**.

Sincerely,

Lori Wanamaker, FCA
Deputy Solicitor General

Attachments

Draft Federal/Provincial/Territorial Justice Framework to Address Violence Against Aboriginal Women and Girls

November 19, 2014

BACKGROUND

Violence against Aboriginal women and girls is an issue of great concern in British Columbia and across Canada. In October 2012, Federal/ Provincial/Territorial (FPT) Ministers Responsible for Justice and Public Safety agreed to continue working together to develop a coordinated response to addressing the issue. They directed justice officials to create a Justice Framework.

PURPOSE OF THE FRAMEWORK

The Draft Justice Framework identifies potential priorities, based on what we've learned from reports and consultations on this issue. It will be used to guide justice-related collaborative efforts and priority setting within and across jurisdictions. It is hoped that governments, Aboriginal organizations, communities and other partners can use it as a guide to taking action. It is not an action plan, but will be a tool to promote a coordinated approach to the issue, while still allowing all partners to develop their own plans to address local needs.

The Draft Justice Framework is focused on the justice sector mandate, but acknowledges that all government sectors, non-government organizations and communities need to be involved. It is purposely flexible to allow every jurisdiction to use it to develop their own locally appropriate responses. It is intended to be an evolving framework, to allow us to make changes to it as we continue to receive feedback.

PROCESS

The Draft Justice Framework was developed based on a review of research, reports, recommendations and previous consultations with Aboriginal groups. In November 2013, FPT Ministers publicly released the Draft (Online at: <http://www.scics.gc.ca/english/conferences.asp?a=viewdocument&id=2119>), permitting officials to have discussions about it with Aboriginal groups and other stakeholders. Following the discussions, the Draft will be revised. At their October 2014 meeting, Justice and Public Safety Ministers recognized the need for further targeted action to address violence even while discussions about the Draft Justice Framework are underway. They publicly released a progress report (Online at: <http://www.scics.gc.ca/english/Conferences.asp?a=viewdocument&id=2246>) on their efforts to date and their focus moving forward over the next year.

PUBLIC ENGAGEMENT

Provinces, territories and the federal government have engaged, or will be engaging, in discussions about the Draft Justice Framework with Aboriginal and non-Aboriginal groups and organizations between fall 2013 and spring 2015. Each jurisdiction has unique circumstances and different relationships with Aboriginal groups and communities; therefore, each will determine the manner in which they will support discussions about violence against Aboriginal women and girls and about the Draft Justice Framework within the jurisdiction.

Justice officials are exploring how the engagement process can be as broad and inclusive as possible, while ensuring the report will be delivered to Ministers in a timely manner so jurisdictions can begin to use the Framework.

Justice officials are mindful of the various streams of activity to address this issue across the country and are seeking opportunities to coordinate discussions in order to avoid burdening communities and groups with multiple requests for dialogue.

In British Columbia, we anticipate that feedback will be received via email, teleconferences, and in-person discussions, where possible. Discussions about the Draft Justice Framework may be coordinated to coincide with another meeting, or forum related to violence against Aboriginal women, or Aboriginal justice issues more broadly. All feedback will be considered. Changes to the Draft will require consensus from the FPT justice departments involved in this work.

If you would like to provide feedback on the Draft Justice Framework, please contact Sherri Lee, Senior Policy and Legislation Analyst, Ministry of Justice at Sherri.Lee@gov.bc.ca or by telephone at (250) 953-4261 to make arrangements. Feedback is requested by **March 31, 2015**. The Draft Justice Framework is a living document that will evolve as discussions continue over the next year. Therefore, information received after March 31st may be considered in a later revision of the framework.

Draft Justice Framework* to Address Violence Against Aboriginal Women and Girls

November 2013

**Note to reader - This is a working draft, approved by FPT Ministers Responsible for Justice and Public Safety to facilitate ongoing dialogue with Aboriginal organizations and groups and other partners.*

Purpose of the Draft Justice Framework

This draft justice framework is intended to help federal, provincial and territorial (FPT) justice officials, Aboriginal organizations and groups, and other partners work together to address violence against Aboriginal women and girls. The framework will evolve as discussions with Aboriginal groups and other partners continue. It is designed to be flexible and respect the cultural, social and economic diversity across the country.

This initial draft reflects what FPT Ministers Responsible for Justice have heard from Aboriginal groups and others in numerous reports and consultations. FPT Ministers recognize the need to continue working with Aboriginal groups, communities and other partners to move forward on existing recommendations in a manner that makes the best use of resources.

For the purpose of this framework, references to “Aboriginal” people should be understood as including First Nations, Métis and Inuit, recognizing that the term refers to distinct people, cultures and histories.

Potential Principles for a Flexible Framework

Common principles could help guide how governments, Aboriginal groups and other partners work together to address violence against Aboriginal women and girls. Principles can also assist in identifying common goals and priorities for action. The draft principles below are suggested as a starting point for discussions with Aboriginal organizations and groups, and other partners and stakeholders. Ongoing discussions will assist in finalizing principles that all partners can use to guide their work.

1. Preventing and addressing violence against Aboriginal women and girls is everyone’s responsibility – Aboriginal and non-Aboriginal citizens, families, community leaders, community groups, businesses and all levels and sectors of government and society.
2. Addressing violence against Aboriginal women and girls includes the need for healing individuals and communities.
3. Aboriginal people must be partners in developing and implementing responses to address violence against Aboriginal women and girls.
4. Addressing violence against Aboriginal women and girls requires behavior and social change, and the involvement of men and boys as key agents of that change. Mobilizing communities (Aboriginal and non-Aboriginal) and changing how we talk about the issues can help change community responses and individual attitudes.
5. Flexibility is required to respond to the diverse situations of Aboriginal people and communities across the country.

Potential Justice System Priorities for Moving Forward

The following topic areas have been identified as possible priorities for justice-related action to address violence against Aboriginal women and girls. These topics were drawn from a review of reports and recommendations about the issue and are suggested here as a starting point for discussions with Aboriginal groups and other partners and stakeholders. They include:

- Raising public awareness aimed at changing attitudes that devalue Aboriginal women.
- Engaging Aboriginal communities in the development of individual and community safety initiatives.
- Engaging the whole community, including other government and non-government sectors, in prevention, intervention and assistance for victims and offenders.
- Improving the relationship between justice sector professionals (including police) and Aboriginal people.
- Improving responses to violence within intimate relationships and families.
- Identifying what can be done within the existing justice system to protect and assist Aboriginal women who are victims of violence.
- Supporting alternatives to mainstream court where appropriate and effective.
- Addressing safety and healing of individuals (victims, offenders, witnesses), families and communities.
- Improving coordination and collaboration across sectors and between provinces, territories and the federal government.

The Importance of Healing

As noted in numerous reports, healing is a vital component of moving forward in preventing violence against Aboriginal women and girls. Healing in this context refers to addressing the cross-generational impacts that colonization and residential schools have had on Aboriginal individuals (victims and offenders), families and communities. Healing includes addressing physical, mental health, and spiritual needs. For the purpose of this report, healing should be understood as a community-wide process that involves a broad range of participants and focuses on restoring a sense of balance and wellness within the victim, offender, their families and the community.¹

The graphic below attempts to depict the interconnectedness of potential principles, themes and priorities. Further discussions about this draft will help refine a framework that is meaningful to Aboriginal people, justice system personnel and other partners.

¹ Buller, Ed. (2005.) "Aboriginal Community Healing Processes in Canada." Paper presented at the International Institute for Restorative Practices Conference, Manchester, England. p. 2. www.iirp.edu/pdf/man05/man05_buller.pdf

Addressing the Issue of Violence Against Aboriginal Women and Girls



Background

Aboriginal women and girls experience higher rates of violence than non-Aboriginal women and are more likely to be missing or murdered than non-Aboriginal women. Key highlights from available statistics include:

- Aboriginal women are almost three times more likely than non-Aboriginal women to experience violence by a spouse, acquaintance or stranger.
- Close to two-thirds of Aboriginal female victims are aged 15 to 34.
- Aboriginal women in the provinces are almost three times as likely to be victims of spousal violence.
- Aboriginal women in the territories are more than three times as likely to be victims of spousal violence.
- About three quarters of non-spousal violent incidents against Aboriginal women are not reported to police.
- Close to seven in ten Aboriginal victims of spousal violence did not report the incident to police.
- At least 8% of all murdered women are Aboriginal, double their representation in the population.

Appendix B provides an overview of statistics regarding Aboriginal women's experiences as victims of violence.

FPT Ministers Responsible for Justice and Public Safety view violence against Aboriginal women and girls as a serious concern in Canada. From the work of the Native Women's Association of Canada, the Manitoba Aboriginal Justice Inquiry, the Royal Commission on Aboriginal Peoples, and many others, we know that the higher vulnerability of Aboriginal women and girls to violence is a complex issue requiring coordinated attention from Aboriginal organizations and communities as well as all levels of government. Governments, communities and other partners need to work together to address the violence.

Justice officials reviewed a range of government and non-government reports on this topic and have had informal discussions with Aboriginal people about the justice system's response. Additionally, some governments have recently engaged in extensive consultations with Aboriginal people on related issues, such as family violence. Officials reviewed the findings from those consultations as they drafted the framework. Appendix A summarizes the common justice-related themes drawn from these reports and consultations and poses questions that may serve as a starting point for discussions with Aboriginal people and other partners to build on the large body of existing work on this topic. Ongoing discussions will help ensure the framework acknowledges unique needs and priorities of diverse Aboriginal communities in Canada – both on and off reserve.

Concerns about the Justice System Response to Violence

A number of reports have been critical of how the justice system has dealt with the issue of violence against Aboriginal women (see those footnoted below).^{2,3,4}

Governments have been working to address these criticisms by supporting initiatives to prevent violence in Aboriginal communities, improving how police investigate cases involving missing Aboriginal women, and providing culturally appropriate justice. In addition, many Aboriginal communities are recognizing and using the strengths of traditional approaches to address conflict and violence. All across Canada, communities and governments have partnered to develop community-based Aboriginal justice and Aboriginal healing programs.⁵

Addressing the Issue at Every Stage of the Justice System

Opportunities to respond to violence against Aboriginal women and girls exist at every stage of the justice system and when there is contact with other systems. There are also opportunities to work with communities and organizations in undertaking many of these actions. The table below identifies examples of justice system responses across the continuum from prevention to following up after an offender has been sentenced.

Prevention	Intervention/Support	Enforcement	Court	Follow-Up
<ul style="list-style-type: none"> Promoting public awareness to address racism and to counter the devaluing of Aboriginal women Supporting programs aimed at breaking intergenerational cycles of violence and abuse Supporting crime prevention (addressing risk) 	<ul style="list-style-type: none"> Facilitating transportation for women and children fleeing violence Providing emergency intervention (e.g. no contact orders, including peace bonds, emergency protection orders, restraining orders, etc.) Supporting transition houses Providing victim assistance and services through community-based organizations and victim service providers 	<ul style="list-style-type: none"> Facilitating reporting of violence Establishing charging guidelines Delivering training to justice system officials, including police Providing bail process/restraining orders 	<ul style="list-style-type: none"> Providing Aboriginal Courtworkers and other supports Court-based victim/witness assistance Testimonial aids for vulnerable victims/witnesses Providing therapeutic courts Supporting or providing culturally 	<ul style="list-style-type: none"> Delivering post-release programs Delivering offender treatments Providing programs that promote reintegration Culturally appropriate counseling and assistance for families of missing and

² Human Rights Watch (2013) *Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada*. <http://www.hrw.org/reports/2013/02/13/those-who-take-us-away>.

³ Tracy Byrne, Wade Abbott (February 2011) *Stopping Violence against Aboriginal Women: A Summary of Root Causes, Vulnerabilities and Recommendations*. Office of the Chief Information Officer, British Columbia

⁴ Amnesty International (September 2009) *No More Stolen Sisters: the Need for a Comprehensive Response to Discrimination and Violence Against Indigenous Women in Canada*.

⁵ For example, see the programs listed in the *Compendium of Promising Practices to Reduce Violence and Increase Safety of Aboriginal Women in Canada* - <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/comp-recu/index.html>.

Prevention	Intervention/Support	Enforcement	Court	Follow-Up
and protective factors) <ul style="list-style-type: none"> • Healthy relationship training for youth • Supporting community mobilization and capacity building • Supporting individual safety planning, risk management and community safety initiatives • Providing access to counseling, mediation and restorative justice, when appropriate 	<ul style="list-style-type: none"> • Supporting Aboriginal justice/restorative justice processes • Establishing civil/family legislation and processes for dealing with family violence and family breakdown • Making greater links between criminal and civil issues – e.g., in situations involving family violence • Supporting child protection responses to family violence • Supporting improved responses to missing persons cases • Providing offender assessment and risk management • Imposing probation conditions 	<ul style="list-style-type: none"> • Imposing and enforcing peace bonds and other no contact orders 	appropriate victim/offender treatment <ul style="list-style-type: none"> • Imposing sentencing conditions 	murdered Aboriginal women and girls

Need for Involvement of Partners in Other Sectors

While the justice system is the focus for this framework, non-justice partners are central to making real change. Governments and other partners are making efforts to improve access to health care, mental health services, drug and alcohol addictions treatment, social services, employment, housing and other services. Despite these efforts, the criminal justice system often deals with individuals whose victimization and offending are related to health or social challenges that may increase the likelihood they will commit a crime or become a victim of crime. In many cases, these people did not receive sufficient or timely services that might have helped decrease those risk factors.

Numerous reports and consultations recommend that adequate, sustainable, multi-year funding is required to address:

- Intergenerational impacts of abuse suffered at residential schools (i.e. the cycle of violence and abuse within many Aboriginal families and communities)
- Poverty
- Employment
- Education

- Health care
- Cultural revitalization
- Community capacity building
- Gender equity
- Culturally appropriate, community-based services
- Racism⁶

Involvement of other sectors, such as health, education, social services, child and family services and others, is needed to reduce the vulnerability of Aboriginal women and girls to violence.⁷ It is also critical that individuals and communities take action to prevent and respond to violence. Coordinated action and leadership to develop more effective and appropriate community-based solutions is necessary to bring lasting change.

Conclusion

There is no simple or singular solution to the issue of violence against Aboriginal women and girls. Addressing this issue will require the combined efforts of multiple sectors and stakeholders, and is everyone's responsibility.

The justice system has an important role to play in preventing violence and responding when it occurs. This draft justice framework is a reflection of what governments have heard from numerous reports and consultations on this topic. It is the beginning of a collaborative process that is meant to encourage dialogue between Aboriginal and non-Aboriginal people, between multiple government sectors, and other organizations and groups in a way that will help all stakeholders work together to address violence against Aboriginal women and girls.

This evolving framework will be built on a foundation of interconnectedness, weaving together a set of guiding principles from the collaborative efforts of all stakeholders. While action will continue to be taken to improve the justice system's response, FPT Ministers Responsible for Justice and Public Safety encourage other sectors, Aboriginal people, organizations and groups, and other partners and stakeholders to continue discussing practical ways to break the inter-generational cycle of violence and abuse. It is hoped that this draft justice framework may help focus these discussions and ultimately contribute to ending violence against Aboriginal women and girls in Canada.

⁶ Tracy Byrne, Wade Abbott. (February 2011) *Stopping Violence against Aboriginal Women: A Summary of Root Causes, Vulnerabilities and Recommendations*. Office of the Chief Information Officer, British Columbia. p.16.

⁷ Ibid. p.4.

Appendix A - Suggested Justice Themes and Priorities For Discussion

This appendix offers suggested questions to help guide discussions with Aboriginal groups and other partners about the main justice-related themes and **suggested priorities** that have been identified from various reports on this topic. The themes and suggested priorities are summarized here for ease of reference. The questions, which follow, may be adapted as needed.

THEME: Awareness and Education

Suggested Priority:

1. **Raising public awareness aimed at changing attitudes that devalue Aboriginal women.**

THEME: Prevention

Suggested Priority:

2. **Engaging Aboriginal communities in the development of individual and community safety initiatives.**

THEME: Intervention and Supports

Suggested Priority:

3. **Engaging the whole community, including other government and non-government sectors, in prevention, intervention and assistance for victims and offenders.**

THEME: Investigation and Enforcement

Suggested Priorities:

4. **Improving the relationship between justice sector professionals (including police), and Aboriginal people.**
5. **Improving responses to violence within intimate relationships and families.**
6. **Identifying what can be done within the existing justice system to protect and assist Aboriginal women who are victims of violence.**

THEME: Court and Sentencing

Suggested Priority:

7. Supporting alternatives to mainstream court where appropriate and effective.

Alternatives could include:

- **Aboriginal justice**
- **Extrajudicial sanctions**
- **Alternative measures**
- **Restorative justice**
- **Therapeutic courts.**

THEME: Follow-up/Reintegration

Suggested Priority:

8. Addressing safety and healing of individuals (victims, offenders, witnesses), families and communities.

THEME: Improving Coordination and Collaboration

Suggested Priority:

9. Improving coordination and collaboration across sectors and between provinces, territories and the federal government.

Suggested Discussion Questions:

1. Are there specific suggestions about how Aboriginal communities, the justice system and other government and non-government partners could work together to address violence against Aboriginal women and girls?
2. What would be the role of each partner in such a process?
3. Considering the above themes and suggested priorities:
 - a. In your experience, are there other actions that should be considered as priorities?
 - b. What roles should Aboriginal communities, governments, and other partners play in addressing these priorities?

Appendix B: Statistics

Sisters in Spirit research on missing and murdered Aboriginal women

- Violence against Aboriginal women is the focus of work by the Native Women's Association of Canada (NWAC) in their "Sisters In Spirit" and "From Evidence to Action" projects. The April 2010 NWAC report, *What Their Stories Tell Us*, reviewed over 740 known cases of missing and murdered women in Canada, of which 582 met the criteria for inclusion in the NWAC database: *the woman or girl was Aboriginal and was missing or died as a result of homicide, negligence or in circumstances the family or community considered suspicious*. The latter includes incidents that police (and sometimes coroners) declared natural or accidental but that family members regarded as suspicious.
- Of the 582 cases of missing and murdered women, 39% occurred after 2000 and 17% happened in the 1990s. The remainder occurred mostly in the 1970s and 80s (22 cases date from 1969 or earlier).
- Twenty percent of the cases involved missing women or girls while 67% (393) involved deaths as a result of homicide or negligence. Of the remaining cases, 4% involved suspicious deaths and 9% were unclear at the time of the report, that is, it was unclear whether the woman was murdered, is missing or died in suspicious circumstances.
- Charges were laid in 53% of the homicides involving Aboriginal women and girls as compared with a clearance rate of 84% for homicides in Canada in 2005.
- Of the 261 cases where charges were laid, 23% of the women or girls were killed by a current or former spouse or intimate partner and 6% by another family member. An additional 17% were killed by an acquaintance and a further 16% by a stranger. The relationship between the victim and accused was unknown in 36% of the cases. The person charged was Aboriginal in 36% of the cases and non-Aboriginal in 23% of cases. The Aboriginal status of the accused was unknown in the remaining 41% of cases. Where information was known (149 cases), half the cases involved women with no connection to the sex trade.
- Between 2000 and 2008, 153 cases of murder were identified in NWAC's Sisters In Spirit database. These women represented 10% of female homicide victims in Canada over this period while Aboriginal women accounted for about three per cent of the female population of the country.
- The majority of disappearances and deaths of Aboriginal women and girls occurred in the western provinces. Over two thirds of the cases were in British Columbia, Alberta, Manitoba and Saskatchewan.
- A great majority of the women were young. More than half were under 31 and many were mothers. Of the cases where this information is known, 88 per cent of missing and murdered women and girls left behind children and grandchildren.
- Seventy percent of women and girls disappeared from an urban area and 60 per cent were murdered in an urban area.
- In addition to the above findings, NWAC research found links between missing and murdered Aboriginal women and girls to Fetal Alcohol Spectrum Disorder, hitchhiking, gangs, mobility, and jurisdictional issues.

Source: Native Women's Association of Canada, *What Their Stories Tell Us* (April 2010).

Violence against Aboriginal Women: Data from the General Social Survey and Homicide Survey

Aboriginal women are almost 3 times as likely to experience violence by a spouse, acquaintance or stranger

- According to the General Social Survey on self-reported victimization, close to 67,000 Aboriginal women reported they had been violently victimized in 2009. This represents 13% of all Aboriginal women aged 15 and older living in the provinces. The rate of self-reported violent victimization among Aboriginal women was 279 violent incidents per 1,000 population versus 106 incidents per 1,000 population among non-Aboriginal women.
- Aboriginal women experienced close to 138,000 incidents of violence, and they were about 2.6 times more likely than non-Aboriginal women to report having been a victim of a violent crime. This was true regardless of whether the violence occurred between strangers, acquaintances, or within a spousal relationship.

Close to two-thirds of Aboriginal female victims are aged 15 to 34

- Sixty-three percent of Aboriginal female victims were aged 15 to 34. This age group accounted for just under half of the female Aboriginal population (aged 15 and older) living in the provinces.

Aboriginal women in the provinces are almost three times as likely to be victims of spousal violence

- Aboriginal women with a current or former spouse were almost 3 times as likely as non-Aboriginal women to report being a victim of spousal violence in the previous five years (15% versus 6%). They were also more likely to have been injured as a result of the violence (59% versus 41%), and more likely to report the most severe forms of violence. As well, Aboriginal female victims of spousal violence were more likely to fear for their lives (52% compared to 31% of non-Aboriginal females).

Aboriginal women in the territories are more than three times as likely to be victims of spousal violence

- Consistent with the findings from the provinces, Aboriginal women in the territories were more than three times as likely as non-Aboriginal women to report being victimized by a spouse in the past 5 years (18% versus 5%). While gender breakdowns by Aboriginal identity were not possible for non-spousal violence, rates were generally higher among Aboriginal people (252 versus 145 incidents per 1,000 population among non-Aboriginals).

About three quarters of non-spousal violent incidents against Aboriginal women are not reported to police

- About three-quarters (76%) of non-spousal violent incidents involving Aboriginal women were not reported to the police, a proportion that is similar for non-Aboriginal women who are victims of non-spousal violence (70%).

Close to seven in ten Aboriginal victims of spousal violence did not report the incident to police

- Close to 69% of Aboriginal women who were victims of spousal violence said they did not report the incident to police. This was similar for non-Aboriginal women (76%). The most common reasons cited by Aboriginal women for not reporting the incident to police included feeling that the incident was a personal matter, not wanting to involve police, and dealing with the situation in another way. Non-Aboriginal female spousal violence victims cited similar reasons for not reporting to police.

At least 8% of all murdered women are Aboriginal, double their representation in the population

- While it is possible to examine police-reported homicides of Aboriginal women, the Aboriginal identity of the homicide victim was unknown or not reported in half of all homicides in Canada between 2001 and 2011. This said, at least 8% of all murdered women between 2001 and 2011 aged 15 years and older were Aboriginal, twice their representation in the population (4%). Similarly, between 2001 and 2011 Aboriginal women accounted for at least 11% of female dating homicide victims and at least 10% of non-intimate partner homicide victims.

Sources: CCJS, *Measuring Violence Against Aboriginal Women*, *Juristat Article* (February 2013); *Violent Victimization of Aboriginal people in the Canadian Provinces*, *Juristat Article* (March 2011), and *Criminal Victimization in the territories* *Juristat Article* (January 2012)