



## BACKGROUNDER

### **Inquiry under Article 8 of the *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women* into Murders and Disappearances of Indigenous Women and Girls in Canada**

- The United Nations *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) came into force 3 September 1981
- Canada ratified CEDAW on 10 December, 1981
- The United Nations *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women* came into force on 22 December 2000
- Canada ratified the Optional Protocol to CEDAW on 18 Oct 2002
- The Optional Protocol to CEDAW authorizes the Committee on the Elimination of Discrimination against Women (CEDAW Committee) to 1) receive and adjudicate complaints from individuals who allege that their rights have been violated by a State that is a party to the treaty, and 2) initiate an inquiry when it receives “reliable information indicating grave or systematic violations.”
- Canada’s compliance with the Convention is reviewed about once every five years by the UN Committee on the Elimination of Discrimination Against Women (CEDAW Committee). Canada submits a report. Non-governmental organizations (NGOs) also submit reports.
- The Canadian Feminist Alliance for International Action (FAFIA), in its submission to the CEDAW Committee at the time of the review of Canada’s 6<sup>th</sup> and 7<sup>th</sup> reports in November 2008, drew attention to missing and murdered Aboriginal women in Canada.
- The CEDAW Committee, after reviewing Canada’s compliance with its obligations under the *Convention on the Elimination of All Forms of Discrimination against Women* in 2008, in its Concluding Observations, stated:

31. ...the Committee...remains concerned that hundreds of cases involving Aboriginal women who have gone missing or been murdered in the past two decades have neither been fully investigated nor attracted priority attention, with the perpetrators remaining unpunished.

32. The Committee urges the State party to examine the reasons for the failure to investigate the cases of missing or murdered Aboriginal women and to take the necessary steps to remedy the deficiencies in the system. The Committee calls upon the State party to urgently carry out thorough investigations of the cases of Aboriginal women who have gone missing or been murdered in recent decades. It also urges the State party to carry out an analysis of those cases in order to determine whether there is a racialized pattern to the disappearances and take measures to address the problem if that is the case.

- Canada was asked to report back on its actions on the recommendation contained in paragraph 32 in one year, and it did so in February 2010. FAFIA and the Native Women's Association of Canada provided follow-up reports indicating that Canada had taken no adequate action.
- On 25 August 2010, after considering the follow-up report from Canada, the CEDAW Committee wrote to Canada to state that "The Committee considers that its recommendation (regarding missing and murdered Aboriginal women and girls) has not been implemented and it requests the Canadian authorities to urgently provide further information on measures undertaken to address such concerns ...". Canada supplied further information to the Committee on 8 December 2010, but was asked additional questions.
- In January 2011, FAFIA made a formal request to the CEDAW Committee to initiate an Inquiry under Article 8 of the Optional Protocol to the Convention.
- In September 2011, NWAC made a formal request to the CEDAW Committee to initiate an Inquiry under Article 8 of the Optional Protocol
- In September 2011, FAFIA and NWAC submitted additional information to the Committee and requested that an Inquiry under Article 8 of the Optional Protocol be initiated because of Canada's failure to act promptly and effectively to address the violations of the human rights of Aboriginal women and girls.
- The CEDAW Committee decided to conduct an Inquiry into missing and murdered Aboriginal women and girls in Canada in 2011.

- Members of the CEDAW Committee came to Canada in September 2013 to investigate and meet with both government and civil society representatives in Ottawa, Winnipeg, Whitehorse, Prince George and Vancouver.

Further information about the CEDAW Inquiry and all relevant documents can be found at: <http://www.fafia-afai.org/en/solidarity-campaign/the-cedaw-inquiry/>.