



Indigenous Action Canada
613 Hart's Way, Kemptville, ON K0G1J0
www.indigenousactioncanada.ca
indigenousactioncanada@gmail.com

February 9, 2026

Ms. Loretta Landmesser, Director General
UN Declaration Act Implementation Secretariat (UNDAIS)
loretta.landmesser@justice.gc.ca

Re: Overincarceration of Indigenous Women

Dear Ms. Landmesser;

We are writing to you on behalf of Indigenous Action Canada, calling your attention to much-needed action on the issue of the overincarceration of Indigenous women in Canadian prisons.

Data collected on incarceration rates of Indigenous women since the 1950's shows an alarming trend where incarceration rates of women have risen steadily over the decades. The number of Aboriginal women prisoners has increased by 60%, from 168 in March 2008 to 270 in March 2018. - <https://www.yorku.ca/laps/dlll/wp-content/uploads/sites/212/2022/12/Colonialism-and-its-Link-to-the-Over-Representation-of-Aboriginal-Peoples-in-Canadian-Prisons-by-Ziqi-Chen.pdf>

Indigenous women in Canada are severely overrepresented in the correctional system, comprising roughly 50% of all women in federal prisons despite representing only about 5% of the general population. Incarceration rates for Indigenous women are over 15 times higher than for non-Indigenous women, largely driven by systemic racism, the legacy of colonialism, and intergenerational trauma.

This speaks to deep-rooted systemic discrimination, the perpetuation of colonialism, and in essence, results in the same effects of causing trauma like the damage caused by the residential school system. Indigenous women are some of the most economically disadvantaged people living in Canada and suffer from poverty, lack of housing, and limited access to resources.

The Canadian Association of Elizabeth Fry Societies states: “In Canada, the mass incarceration of Indigenous women and gender-diverse people represents one of the most egregious human rights travesties our country faces.”

In a paper submitted to the Canadian Bar Association in 2023, Amelia Eaton stated:

“While the incarceration of Indigenous women in Canada has received increasing, and much-needed, attention, few reports acknowledge that the majority of women sent to prison are mothers, and often the primary or sole caregiver of their child or children prior to their incarceration.”

Eaton argued that the separation of Indigenous women from their children is not an accidental effect but is an essential function of the mass imprisonment of Indigenous women. This continued practice must be considered a public health crisis that is symptomatic of the continuation of colonial and paternalistic practices.

In the Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls, article 1.1 calls for the development of a National Action Plan to address violence against Indigenous Women, girls, and 2SLGBTQI+.

Indigenous Action Canada is asking that this Plan include provisions to end this alarming trend of overincarceration. This Plan must include provisions to address poverty and marginalization and end systemic racism in policing systems.

At the recent World Economic Forum in Davos, Switzerland, Prime Minister Mark Carney made a remarkable speech about the end of the old-world order, which, in our opinion, includes an end to colonial and paternalistic practices. He championed Canadian values as a "beacon" of stability, diversity, and principled cooperation in a fracturing world. He advocated for "values-based realism," emphasizing that Canada represents a pluralistic, open society that can thrive by protecting rights, ensuring equality, and fostering genuine international partnership.

Many Canadians and citizens of the world applauded our prime minister's speech for the contrast between the ideals expressed to the shocking developments we are witnessing with the events taking place in Minneapolis, Minnesota, where experts and observers have described the U.S. Immigration and Customs Enforcement (ICE) as operating with paramilitary characteristics, often citing its heavily armed, aggressive posture in domestic communities, reduced oversight, and rapid expansion. However, this type of violence is, sadly, only too familiar to many Indigenous women in Canada, where they are detained and removed from their children and families and incarcerated often for crimes in response to poverty (theft, shoplifting, fraud).

Other crimes include:

- Breach of Conditions: Many are imprisoned for failing to comply with probation or parole conditions, often due to a lack of resources, support, or unstable housing.
- Violent Crimes (Contextualized): While Indigenous women are overrepresented in violent offence convictions, studies indicate that such acts often occur in the context of self-defense, or as a response to, or attempt to escape, violent situations.

- Administration of Justice: High rates of charges for "crimes against the administration of justice," which include failing to appear in court or breach of bail.
- Substance-Related Offences: Drug-related offences are often linked to substance abuse as a coping mechanism for trauma.

In this era of building a new world order based on Canadian values, Canada has an opportunity to end systemic discrimination and improve the knowledge and behaviours of law enforcement agencies to ensure that Indigenous women are treated fairly and with grace. Otherwise, Canada risks repeating the mistakes of the past, where state laws authorized the forceful removal of children from their families in the residential school era. The separation of Indigenous families cannot continue to be enabled by the state. Removing women from their children will cause great societal harm.

We ask for additional investment of public resources to community-based projects that provide alternatives to custody, including counseling, treatment, and family reunification for Indigenous offenders, and additional investment to organizations that support Indigenous women in Canada.

Here are some examples of successful programs that could be replicated and/or scaled up across the country:

- The Native Women's Association of Canada, which works to promote trauma-informed, culturally appropriate, community-based alternatives to incarceration and challenge the over-classification of Indigenous women as "high risk".
- The BC First Nations Justice Council (BCFNJC) has established Indigenous Diversion Centres, such as one in Prince George, that offer alternatives to laying criminal charges for minor offenses. This approach focuses on repairing harm through restorative justice rather than incarceration.
- Aboriginal Legal Services (Toronto) runs a Community Council Program that acts as a diversionary measure for Indigenous youth and adults, taking them out of the mainstream justice system and involving them in a restorative circle.
- The Four Circles Justice Society of British Columbia, who run a Secwépemc approach to justice, focusing on conflict resolution, healing, and community-led accountability rather than punishment.
- The Canadian Association of Elizabeth Fry Societies (CAEFS), which works to improve safety for women and gender-diverse people, focuses on reducing the use of prisons and supporting the use of Section 81 of the *Corrections and Conditional Release Act* (CCRA) to place Indigenous women in healing lodges rather than jails.
- The Native Women's Shelter of Montreal (Iskweu Project), which focuses on the immediate safety of Indigenous women and girls, works with police to ensure proper investigations of missing persons and provides trauma-informed support. Policing agencies need more trauma-informed training to change police approaches when dealing with Indigenous women

Indigenous Action Canada calls for investment into Restorative Justice/Circles, Gladue Reports, Healing Lodges (Section 81), and Culturally Relevant Training.

Police must be trained in de-escalation and communication strategies. There are many Canadian organizations specializing exclusively in Non-Violent Communication (NVC). If Canada is serious about reconciliation, Canadian law enforcement agencies must be trained in NVC approaches that are culturally sensitive to improve interactions with Indigenous individuals and minorities.

The Center for Nonviolent Communication hosts training in Canada that teaches skills applicable to law enforcement contexts, which could assist police agencies in conflict transformation and social change.

Indigenous women need to be supported in their understanding of the Canadian legal system and police agencies need education to support better communication and application of law, such as the requirement of questioning the Indigenous person before the laying of charges and before an arrest is made. These measures listed above will go a long way to preventing the over-incarceration of Indigenous women.

Finally, Indigenous Action Canada asks that the United Nations Declaration Act Implementation Secretariat (UNDAIS) submit an annual National Report on the Incarceration of Indigenous Women.

Thank you for your kind attention to this important matter.

On behalf of Indigenous Action Canada,
Lorraine Rekmans

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Native Women's Association
Indigenous Bar Association
Canadian Bar Association
Canada Civil Liberties Association
Canadian Human Rights Commission
Standing Senate Committee on Indigenous Peoples, Senate of Canada