

## GENDER EQUALITY

FORCED OR COERCED STERILIZATION OF INDIGENOUS WOMEN AND GIRLS  
AMNESTY INTERNATIONAL'S FURTHER RECOMMENDATIONS WITH RESPECT TO  
THE UNIVERSAL PERIODIC REVIEW OF CANADA  
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Forced sterilization is when a person is sterilized without their knowledge or informed consent. "Sterilization under coercion" is when people give their consent for the procedure, but on the basis of incorrect information or other coercive tactics such as intimidation or that conditions are attached to sterilization, such as financial incentives or access to health services.<sup>1</sup> Forced or coerced sterilization of Indigenous women in Canada is the product of systemic discrimination and has been documented from the 1800s to the present.<sup>2</sup> In the 1970s, there were about 1,200 cases of coerced sterilization of Indigenous women, reportedly intended to reduce the numbers of Indigenous persons in Canada.<sup>3</sup> Although current numbers of forced and coerced sterilization are not known, there is compelling evidence that the practice has continued.

In July 2017, the Saskatoon Regional Health Authority released the report of an external review commissioned after at least four Indigenous women reported in the media that they had been coercively sterilized in a Saskatoon hospital, mostly between 2008 and 2012.<sup>4</sup> The report documented the experiences of 16 women, most of whom reported being coercively sterilized between 2005 and 2010, and noted that "pervasive structural discrimination and racism in the health care system in general (despite attempts to remedy these) remains unmistakable."<sup>5</sup>

Since publication of this report, more Indigenous women in Saskatchewan and at least three other provinces (Alberta, Manitoba, and Ontario) have come forward with allegations of forced or coerced sterilization.<sup>6</sup> A class action law suit filed in Saskatchewan in October 2017 represents more than 60 Indigenous women, most of whom reported being sterilized in the last 10-15 years, and as recently as 2014. They have reported that their 'consent' to be sterilized was obtained during or

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<sup>1</sup> Amnesty International, *The State as a Catalyst for Violence Against Women: Violence Against Women and Torture or other Ill Treatment in the Context of Sexual and Reproductive Health in Latin America and the Caribbean*, AMR 01/3388/201, March 2016, p. 28.

<sup>2</sup> Maurice Law, "Request for a thematic hearing on the forced sterilization of Indigenous women in Canada, File no. 434.01," Submission to Inter-American Commission on Human Rights, 6 December 2017; and Dr. Judith Bartlett and Dr. Yvonne Boyer, *External Review: Tubal Ligation in the Saskatoon Health Region: The Lived Experience of Aboriginal Women*, Saskatoon Regional Health Authority, 2017.

<sup>3</sup> Roger Collier, "Reports of Forced Sterilization of Indigenous Women in Canada Mirror Shameful Past," *Canadian Medical Association Journal*, Vol. 21, Issue 33, August 2017.

<sup>4</sup> "Saskatoon health region apologies after aboriginal women felt pressured by staff to have tubed tied," *National Post*, 17 November 2015; and "Another Saskatoon Woman Says She Was Sterilized Against Her Will," *CBC*, 16 December 2015.

<sup>5</sup> Dr. Judith Bartlett and Dr. Yvonne Boyer, *External Review: Tubal Ligation in the Saskatoon Health Region: The Lived Experience of Aboriginal Women*, Saskatoon Regional Health Authority, 2017, p. 31.

<sup>6</sup> Roger Collier, "Reports of Forced Sterilization of Indigenous Women in Canada Mirror Shameful Past," *Canadian Medical Association Journal*, Vol. 21, Issue 33, August 2017; and Maurice Law, "Request for a thematic hearing on the forced sterilization of Indigenous women in Canada, file no. 434.01," Request to Inter-American Commission on Human Rights, 6 December 2017.

immediately after the birthing process, through coercive means, and in some cases information about other methods of birth control was not provided and/or the permanency of tubal ligation was misrepresented.<sup>7</sup> The pattern of coercive techniques used to obtain ‘consent’ is consistent with practices Amnesty International has documented in Chile, Mexico, and most notably, Peru, where thousands of Indigenous women were forcibly or coercively sterilized in the 1990s.<sup>8</sup> In 2014, the Inter-American Commission on Human Rights held Bolivia accountable for forced sterilization of women, and agreed to hear the case of a woman living with HIV in Chile who was forcibly sterilized.<sup>9</sup>

Forced or coerced sterilization violates the rights to equality, non-discrimination, physical integrity, health, and security, and constitutes violence against women.<sup>10</sup> In some cases, this could constitute torture and/or cruel, inhuman or degrading treatment or violation of the right to life.<sup>11</sup> International standards recognize the right of all women and girls to live free from violence and discrimination; to make decisions about reproduction free from discrimination, coercion or violence; to make free choices about the number, spacing and timing of their children; and to have access to sexual and reproductive health information and services.<sup>12</sup>

Forced or coerced sterilization of Indigenous women is also an assault on the cultural integrity of societies that have already endured grave human rights violations including forced assimilation. Measures to prevent births within national, ethnic, racial, or religious groups are explicated prohibited by the Convention on the Prevention and Punishment of the Crime of Genocide.<sup>13</sup>

#### **AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF CANADA TO:**

- Investigate allegations of forced or coerced sterilizations in Canada, with particular attention to cases involving Indigenous women and girls, ensuring justice and reparations to survivors and their families.

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<sup>7</sup> *M.R.L.P and S.A.T. v The Attorney General of Canada, the Government of Saskatchewan, Saskatchewan Health Authority, Athabasca Health Authority, Dr. Kristine Mytopher, Dr. Ahmed Ezzat, Dr. Ian Lund, John Doe, and Jane Doe*, QB 1485 (2017), filed 16 February 2018; and meeting with Alisa Lombard, Maurice Law, Ottawa, 15 March 2018.

<sup>8</sup> Amnesty International, *“They never saw me as a person, they saw me as an incubator: How the state promotes violence against women – sexual and reproductive health in Latin America and the Caribbean,”* AMR 01/4140/2016, March 2016; and Amnesty International, *The State as a Catalyst for Violence Against Women: Violence Against Women and Torture or other Ill Treatment in the Context of Sexual and Reproductive Health in Latin America and the Caribbean*, AMR 01/3388/201, March 2016.

<sup>9</sup> Inter-American Commission on Human Rights, *“Report No. 72/14, Case 12.655 Merits I.V. Bolivia,”* 15 August 2014; and Inter-American Commission on Human Rights, *“Report No. 52/14, Petition 112-09, Admissibility F.S. Chile,”* 21 July 2014.

<sup>10</sup> Convention on the Elimination of all forms of Discrimination Against Women, General Recommendation 24, Article 12, CEDAW/C/AUS/CO/7; Universal Declaration of Human Rights, Article 7; International Covenant on Economic, Social and Cultural Rights, Articles 12.1 and 16.1; International Convention on the Elimination of all forms of Racial Discrimination, Article 5; and UN Declaration on the Rights of Indigenous Peoples, Article 2.

<sup>11</sup> UN, Universal Declaration of Human Rights, Article 5; UN, International Covenant on Civil and Political Rights, Article 7; and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>12</sup> OHCHR, UN Women, UNAIDS, UNDP, UNFPA, UNICEF, WHO, *“Eliminating Forced, Coerced, or Otherwise Involuntary Sterilization: An interagency statement,”* June 2014.

<sup>13</sup> Convention on the Prevention and Punishment of the Crime of Genocide, Article 2 (d). See also, UN Declaration on the Rights of Indigenous Peoples, Article 8.2.

- Change government policies and practices to explicitly prohibit sterilization without free, full, and informed consent.
- Implement Truth and Reconciliation Calls to Action 23 and 24 on increasing the number of Indigenous healthcare professionals and providing cultural competency training to all healthcare professionals.