

## Introduction

The Aboriginal Women's Action Network (AWAN) is an Indigenous radical feminist collective that was formed in 1995. The founders included myself, Fay Blaney, Terri Brown, Florence Hackett, Brenda Wesley, the late Sarah Good, Laura Holland, Georgenia James, Vivian Seeger and many others who attended our bi-weekly drop-ins. Our formation was the result of endless oppression of Indigenous women in the workplace in the Vancouver, BC area. Our drop-ins made it abundantly clear that misogyny, sexism, racism and other forms of discrimination were on-going and pervasive in the lives of women. We promptly encountered male violence, the theft of our children, discrimination in the housing rental market, poverty related struggles, and particularly, a lack of meaningful voice to address any of these issues. Since our inauguration, we have participated in the national and the world march of women against poverty and violence. Our members have been speakers in many arenas. We have advocated in the courts for our sisters. We have organized many rallies, protests, workshops/educational including participating in the annual Valentines Day Women's Memorial March. And we have conducted two major participatory action research projects. Our 'Open Letter' to the mayor of the City of Vancouver calling for the abolition of prostitution went viral and traveled to many parts of the world. Terri Brown and Fay Blaney were elected to the positions of president and vice-president of the National Action Committee on the Status of Women. Terri later became the president of the Native Women's Association of Canada. Throughout the years, we have worked in alliance with non-Indigenous feminists and their support has been a significant part of our successes.

Our voice was one of many, calling for a National Inquiry into the murdered and missing Indigenous women and girls over the decades. Our final report, "The Implications of Restorative Justice for Aboriginal Women and Children Survivors of Violence: A Comparative Overview of Five Communities in British Columbia" documents our findings on the enormous rates of violence that Indigenous women and girls endure. Our continued involvement with the Valentines Day Women's Memorial March meant that we lost our dear friends in the Picton Massacre. AWAN is a member of the Coalition on the Missing women commission of inquiry, a group composed of church groups, women's groups, downtown eastside agencies, lawyer

groups and interested community members. Upon hearing the announcement of the National Inquiry, AWAN, in partnership with Vancouver Rape Relief and Women's Shelter, organized two gatherings of Indigenous women and allies, mainly from the lower mainland, but also from other parts of Canada. Our objectives were to raise awareness and bring focus to the gendered or feminist perspective of male violence against Indigenous women and dialogue on the issues. Additionally, we organized six bi-monthly workshops in the spring of 2017 as part of our efforts to raise awareness and engage in dialogue on this topic.

AWAN and Vancouver Rape Relief called for and got a meeting with Chief Commissioner Marion Buller. It was our opportunity to express our need that the Inquiry absolutely must focus on Indigenous women's experiences of male violence. Our fear was that Indigenous men would succeed in gaining access to the scope of the Inquiry, that the Inquiry would examine racism and colonialism broadly rather than focusing on Indigenous women's experiences of this, that the 'families first' agenda would be a barrier for the many off-reserve women who fled violence or are estranged from family and community and that the issue of prostitution may be eclipsed by the 'families first' agenda. We invited many of our Indigenous sisters and allies to this meeting and were able to express our concerns and dialogue over a full day.

AWAN got standing in this National Inquiry, thus Fay Blaney and MiKenze Jordan attended most of part 2 and 3 hearings. We were able to hold several meetings to discuss strategy, positions, priorities, etc. Fortunately, we were able to engage in further discussions through electronic communication devices that time restrictions did not allow us to get to in our meetings. Our recommendations come out of our AWAN meetings, the two gatherings, and the six workshops that we organized.

### **Autonomous Indigenous Women's Groups**

As a silenced group, AWAN members can attest to the stress and pitfalls of speaking the truth about our oppression and marginalization. For instance, many of us were horrified that the Assembly of First Nations was hosting the National Roundtables. A woman at the Winnipeg Roundtable rose and stated that as a sexually exploited girl, her busiest days were when there was a chief's assembly in town. And in preparation for our meeting with the Chief

Commissioner, we were able to identify several chiefs and other Indigenous male leaders who were charged with sexual assaulting Indigenous women. Indigenous women's groups know that they cannot count on Chief's organizations for support in our struggle for equality and emancipation. In fact, the National Indian Brotherhood, which later became the Assembly of First Nations, got intervenor status against Indigenous women in the Section 12(1)(b) court case of Lavalle and Corbierre. And the AFN surely did not want the Native Women's Association of Canada (NWAC) to be included in Charlottetown Accord constitutional discussions as is evidenced in NWAC's court case. At the community level, we heard Indigenous women's testimony about the misogyny and male violence they are surviving as part of our "Journey for Justice". While Police Commissioner Bob Pollson's controversial and racist public statement that perpetrators of violence against Indigenous women were predominantly Indigenous men, we acknowledged the nefarious nature of his remarks but persisted in underscoring our own experiences of male violence from our own.

The Inquiry is tasked with identifying 'root causes'. AWAN's work confirms that patriarchy is a primary tool of colonization. Where Indigenous women were respected leaders of our families and communities under our matriarchal traditions and our clan systems, the Indian Act has imposed a patriarchal system with patrilocal requirements. The destruction of our kinship systems has wrecked havoc. Our firm belief is that the response to this 'root cause' must be a repatriation of matriarchal traditions, a means to empowering Indigenous women in her community.

AWAN recommends that the federal government acknowledge that women's substantive equality, especially Indigenous women, is a grave problem that requires immediate attention. We call on the federal government to reinstate core funding, without directing and controlling conditions, to women's centres, particularly autonomous Indigenous Women's Centres as an act of reconciliation. We stress the importance of providing building blocks for Indigenous Women's Centres at a local and cultural level, allowing us to reclaim our rightful place in a matriarchal and decolonized society.

## **“Indian” Status**

As noted above, Section 12(1)(b) and the subsequent Bill C-31 is a patriarchal root cause of the diminished status of Indigenous women and girls. During our closing oral submission in Calgary, we spoke of the impact of loss of status on Sophie Merasty. Sophie’s mother, a Dene woman who spoke no English, lost her status when she married a non-status Indigenous man. Sophie’s sister Rose was murdered in the downtown eastside of Vancouver in the early 1990’s and all five of her children were removed from her care, with one still not found and repatriated back into the family. Rose’s daughter just passed away from a fentanyl overdose and her daughter is headed down the same frightful path as her mother. How can we measure the harm the “Indian” status section of the Indian Act has created? Some of it can be measured by counting the murdered and missing Indigenous women and girls. Stalling by the federal government, refusing to address, in timely fashion, this human violation is egregious.

AWAN recommends that the senate amended version of Bill C-3, providing real equality for reinstated women by providing them with Section 6(1)a status, identical to men’s status, and in line with Section 15 of the Charter of Rights and Freedoms be implemented immediately.

## **Prostitution**

The prostitution of Indigenous women and girls has its roots in Canada’s colonial period of ‘country brides’ and the shameless exploitation of Indigenous communities suffering and vulnerabilities at the hands of the Indian Agents and the police. And the victim-blaming began in that period with the creation of a prostitution law within the Indian Act in 1914, confirming in the misogynist and racist imagination that Indigenous women were, indeed, ‘squaws’, ‘promiscuous’, ‘easy’, ‘sexually available’, ‘disposable’ and ‘unworthy’.

Dr. Pam Palmater’s final oral submission clearly articulated the reality that federal and provincial governments are guilty of present day genocide and numerous on-going human rights violations. AWAN whole-heartedly agrees with this assessment and recognizes that the most vulnerable amongst us are being corralled into prostitution or into prisons. It is obvious to

us that our fate has been forsaken by our leadership, by academia, by progressive groups with wrong-headed analysis of this issue, and by the 'harm reduction' services that keep our women in a holding pattern as perpetual service recipients.

AWAN supports the partial implementation of the 'Nordic model' with the "Protection of Communities and Exploited Persons Act" but recommends that this law be enforced by all police departments including the Vancouver Police Department. Furthermore, AWAN recommends that the other elements of the 'Nordic model' be implemented; namely that Canada deliver an education strategy on women's substantive equality as it pertains to Indigenous women's vulnerability to sexual exploitation and human trafficking; and secondly, that Canada provide funding to provincial and territorial governments, with human rights conditions attached, for services to women that increase Indigenous women's options in fleeing violence, addressing her poverty and needs for support.

A Convention on the Elimination of Discrimination Against Women (CEDAW) recommendation states:

(v) To develop rehabilitation, social reintegration and exit programmes specifically targeted at Aboriginal women engaged in prostitution.

AWAN supports the above CEDAW recommendation that exiting programs are acutely required. Additionally, we stress the importance of having such programs be developed and implemented by autonomous Indigenous women's groups.

The Ontario Native Women's Association (ONWA) made the following recommendation:

ONWA recommends that, working with Indigenous women and girls and autonomous Indigenous women's organizations, that a comprehensive National Sexual Violence Action Plan be developed and adequately funded. The Action Plan will address the root causes of sexual violence against Indigenous women and girls and provide on-going healing, trauma informed, culturally grounded justice support for women and girls who are victims of sexual violence.

The lack of data collection or meaningful research on the prostitution and child sexual exploitation is a major barrier in identifying needs. Through AWAN's work and the connections of AWAN members to their homelands, we are aware of the extensive problems that exist on Reserves.

AWAN supports ONWA's recommendation that a comprehensive National Sexual Violence Action Plan (NSVAP) be developed and adequately resourced, and that this

plan forms a significant portion of a larger “National Action Plan on Male Violence Against Women” (NAP). Additionally, the NSVAP and/or the NAP must include a research and data collection component, as well as a monitoring component for the implementation or operationalization of this plan.

AWAN recommends that a strategy be developed to expunge the criminal record of prostituted women, in which crimes were perpetrated while engaging in prostitution.

AWAN recommends that a gender-based analysis, in partnership with autonomous Indigenous women’s groups, be applied to all resource extraction projects, akin to the environmental assessment process, in which a comprehensive assessment of the potential impacts and harms of said project will have on Indigenous women and girls. Most importantly, mitigating measures must be put into place to address those impacts, especially as it pertains to prostitution and child sexual exploitation.

### **‘Bad Mothers’**

When considering the gendered impacts of residential schools, as well as gendered reconciliation, this is a bleak site of human suffering that must be examined. The frequently cited intentions of Sir John A. MacDonald and Duncan Campbell Scott are clear in their desire to ‘take the Indian out of the child’. And while the growing social work profession likely shared those views, the more blatantly obvious reason for regulating the lives of Indigenous mothers is the lucrative cash transfer from the Department of Indian Affairs to provincial coffers for apprehending their children. But it is without a doubt that this system is a key part of the onslaught of the patriarchal war against Indigenous women. And it’s a struggle that Indigenous women have engaged with starting from the days of the Indian Homemakers Association of BC, who politicized and organized itself to respond to this tragedy. From an anecdotal perspective, it appears that the Chiefs organizations placed greater priority on land claims and economic development, and relegated child welfare concerns to the end of the agenda in their gatherings, which is a clear indicator of the success of what the patriarchal Indian Act was intended to do.

The parallels between the behaviors of the police forces and the child welfare authorities is too close to be mere coincidence. While Dr. Palmater researches the countless instances of sexual assaults by police officers against Indigenous women, Mary Ellen Turpell Lafonde conducted a review of a two-year period of cases of sexual abuse of children in foster care. Palmater

confirms that “bad apple” explanation cannot be used when there is an entire police culture that holds misogynist, racist ideals that is applied to their work. LaFonde found that an overwhelming nearly 70% of the victims of child sexual abuse were Indigenous girls! The social workers create the conditions that profess Indigenous Mothers to be ‘bad mothers’ and yet they place these Indigenous girls in “risky” situations that are far worse than why they were removed in the first place. AWAN knows first hand, from our members that these women want so badly to have their children back and would do anything to make that happen. The obstacles and hoop-jumping that are put in place ensure that she can never achieve that goal.

AWAN recommends that all state governments acknowledge and utilize the expertise of Indigenous mothers in the development, construction and implementation of new child welfare initiatives that were recently announced by Jane Philpot. Further, from an ideological perspective, there needs to a shift from naming ‘child poverty’ and ‘child neglect’ to an acknowledgement that the state is complicit in the erasure of mothers. The appropriate response to addressing the issue of child apprehensions is to create a ‘Mothers First’ principle by support the needs of the mother and to ensure preventative services are in place to prevent children from becoming wards of the state.

AWAN knows that the sacred role of women as life-givers is a cherished value of most Indigenous peoples and recommends that this tradition be meaningfully honored by providing space for these mothers at the National Action Plan on Male Violence Against Women.

AWAN recommends that the federal government provide “Survivor Benefits” to the children of Murdered and Missing Women, and to ensure that these children are removed from the purview of the Child Welfare Authorities.

## **Healing and Recovery**

Healing is often a means of perpetuating the victimization of Indigenous women and girls. The assumption often is that we are in need of fixing and that someone else can do that for us.

AWAN rails against any notion or practice that takes agency away from Indigenous women. We point to the writing of Roland Chrisjohn in his book, “The Circle Game: Shadows and Substance in the Indian Residential School Experience in Canada”, which was also a submission to the Royal Commission on Aboriginal Peoples. He points to the construction of the “Residential School Syndrome” as a response to addressing what was done to us through those institutions.

Missing from this formulation is the accountability that state and church actors have in this situation. AWAN believes that our healing a recovery lies in truth telling, in consciousness - raising circles, in understanding the impacts of societal ideologies and institutions on our lives. We dare to take responsibility for our addictions, our victimization, our own wrong-doing, but that burden must be shared with the oppressors who created the conditions for this. In this National Inquiry, we could not resign ourselves to only sharing our stories and leaving the findings of solutions to someone else. Reflecting these sentiments, Dubrarka Simonovic, UN Special Rapporteur on Violence against women, it's causes and consequences said:

Too often the services provided are limited to safe spaces without specific programs aimed at the empowerment of women.

AWAN recommends that, in addition to the first recommendation above, that autonomous Indigenous women's groups be provided with core funding, without state conditions, that our groups not be confined to the use of "professionals" and "service providers". Given the opportunity, when Indigenous women come together, we are the experts in our own lives, we are creative in finding solutions to the issues we face, and we have the capacity to self-actualize and to support other Indigenous women around us in that healing journey. Empowered Indigenous women can become matriarchs again, and with that form of decolonization, our families and communities can again become healthy functioning societies.

Many of us have had the experience of going into a co-ed treatment centre, having to struggle through dealing with our issues of physical, sexual, communal and other forms of violence while being in the presence of a member of the offending class. This situation only serves to reinforce his toxic masculinity while preserving our victimization. Another scenario frequently discussed is when a woman finally decides to get off the streets and go into detox only to have her 'boyfriend' enter the same facility and force her to leave.

AWAN recommends that, due to the gendered nature of colonization and racism, that "Indigenous women only" treatment centres and detox facilities be created across the country. Further, these services must be available on demand rather than facing limitations of spaces and waitlists.



## **National Action Plan for Male Violence Against Women**

Following Dubravka Simonovic's Official Visit to Canada in April 2018, she recommended that a separate National Action Plan be developed specifically for Indigenous women. She offered the very appealing suggestion that the federal government use its federal spending power to improve the criminal justice system's responses to survivors. AWAN would argue that this same concept can be applicable to our first recommendation, in the creation or reinstating of core funding to women's centres, as well as the depth and breadth of this National Action Plan. In their document, "Women and the Canada Social Transfer: Securing the Social Union", that was written for Status of Women Canada in 2007, Shelagh Day and Gwen Brodsky discuss this issue:

. . . since 1995, the unconditional transfer of monies by the federal government to the provinces and territories has not led to innovation and the development of stronger social programs, but rather to the erosion of social assistance and civil legal aid, and to unevenness from region to region in the availability of programs and services, and in their quality. National standards are necessary to satisfy the requirements of section 36 of the Constitution and Canada's human rights commitments to women. They must be developed and enforced in ways that respect Canada's national complexity.

In recommending the implementation, monitoring mechanisms and measurement tools of such a plan, Simonovic includes the need for harmonization which can be achieved through federal leadership placing human rights conditions on funding transfers as the Canadian Feminist Alliance on International Action recommends.

Simonovic's recommendations on Indigenous women lead programming absolutely must be heeded:

The Indigenous women's National Action Plan must be Indigenous women owned, administered, initiatives to improve law and justice outcomes, Indigenous lead programs and services delivery must be the norm, not the exception as is currently the situation.

This action plan must include the United Nations Declaration on the Rights of Indigenous Peoples, which calls for the inclusion of all other international human rights instruments such as CEDAW and CERD.

AWAN recommends the creation of a National Action Plan to address the rampant violence that we experience. This Plan must include but not be limited to femicide data collection, a housing strategy for transition houses, shelters, and homelessness, a call for Guaranteed Livable Income that can improve her social and economic situation, specialized anti-racism, anti-sexism training for all levels of the Criminal Justice System, a Philadelphia-like model that allows for the re-opening of cases of murdered or missing Indigenous women and girls, etc.

AWAN recommends the creation of an Indigenous Women's Commission that would oversee the implementation of the above-noted National Action Plan and the recommendations coming out of the National Inquiry on the Murdered and Missing Indigenous women and girls. This Commission would be composed of Indigenous women from the anti-violence movement, Indigenous mothers, Indigenous women who have been incarcerated, Indigenous Human Rights Advocates, and anti-poverty advocates. The Commission would report directly to the Canadian Parliament and provide updates, revisions and recommendations on the Action Plan.

AWAN recommends that the federal government use its federal spending power to adequately resource the National Action Plan and to place Human Rights conditions on provinces and territories on how monies are used. Federal leadership can result in harmonized programing and services across jurisdictions.

## Appendix I

# **Aboriginal Women's Action Network Restorative Justice Policy (AWAN)**

## ***The Implications of Restorative Justice in Cases of Violence Against Aboriginal Women and Children.***

### 1. Introduction

The Aboriginal Women's Action Network (AWAN) was established in 1995 in response to a pressing need for an Aboriginal women's group to provide a much needed voice for Aboriginal women's concerns regarding governance, policy making, women's rights, employment rights, violence against women, Indian Act membership and status, and many other issues affecting Aboriginal women in contemporary society. The founding members of AWAN conceived of themselves as salmon swimming upstream with determined vision to create new life, and therefore, renewed hope and possibilities for our children. For members of AWAN the Salmon Nation's legacy of survival depends on an unwavering commitment to future generations, a commitment which serves to guide AWAN in our political involvement and quest for social justice for Aboriginal women and children.

Through AWAN's work with Aboriginal women, many concerns were raised with regards to the implications of restorative justice in cases of crimes of violence against Aboriginal women and children. In responses to these concerns AWAN sought, and was generously provided with, funding from a number of sources in order to engage in community consultations, to provide education workshops for women, to host a provincial forum and to complete a comprehensive literature review. The Law Foundation of British Columbia, City of Vancouver, Status of Women Canada, the British Columbia Attorney General Office (Victims Services), the former British Columbia Ministry of Women's Equality and the Law Commission of Canada all contributed financially to this important work.

The Aboriginal Women's Action Network (AWAN) has developed the following policy in response to: extensive community consultations (see *The Implications of Restorative Justice for Aboriginal Women and Children Survivors of Violence: A Comparative Overview of Five Communities*), and a comprehensive literature review (see *Literature Review: Implications of Restorative Justice in Cases of Violence Against Aboriginal Women and Children*), and AWAN: Major Project Initiative: Aboriginal Women, Violence, and the Law-Evaluation.

## 2. AWAN's Position on Restorative Justice in Cases of Violence Against Women and Children

AWAN is strongly opposed to the application of restorative justice measures in cases of violence against Aboriginal women and children.

AWAN's opposition is in responses to the recommendations of Aboriginal women who formed part of their study on the implications of restorative justice, including from: the consultations AWAN held in various communities, AWAN's provincial forum on restorative just, AWAN's Comparative Overview of Five Communities in British Columbia, as well as AWAN's literature review, Implications of Restorative Justice in Cases of Violence Against Aboriginal Women and Children. Some of the primary issues and concerns raised by Aboriginal Women and/or identified in the literature regarding the application of restorative justice in cases of violence against women and children include, but not limited to:

- Structural power imbalances between abuser and abused;
- Long-term impact, both emotional and physical, of violence against women and children;
- Lack of availability of adequate services to address the long-term effects of violence against women and children;
- Lack of adequate rehabilitative services for perpetrators of violence;
- Lack of community capacity (both fiscal and human resources) to address crimes of violence;
- Denial of violence;
- Casual relationship between suicide and sexual victimization of children - should not be exacerbated by forcing them to confront their abusers;
- Lack of criteria for selection of appropriate cases;
- Lack of training;
- Lack of standards of guidelines for the application of restorative justice;
- Lack of community consultation and consultation with Aboriginal women and Aboriginal women's groups
- Lack of informed choice for victims regarding participation in restorative justice initiatives of potential re-victimization;
- Offender focused rather than victim focused restorative justice;
- Misrepresentation of Aboriginal "culture"
- Failure of Aboriginal leadership to adequately address crimes of violence against women and children;
- Lack of awareness of the impacts of colonization in relation to violence against Aboriginal women and children

In short, AWAN's primary concern with the current move towards a restorative justice model is a lack of attention to and research on the effects of restorative justice processes for the victims of violent crimes, namely women and children. Currently there appears to be little in the way of procedural, institutional and practical measures to protect and support women or children who are victims of violence. Finally, there has

been no emphasis in case law or in current restorative justice models on the legacy of colonialism for Aboriginal women and children: racism, sexism, poverty and violence.

### 3. Ministry of Attorney General

The Ministry of the Attorney General's Office, British Columbia, introduced, in early 1998, a number of criminal justice reforms for various restorative justice initiatives. As well, the Attorney General's Office developed policy guidelines for responses to crimes of violence, which were categorized as follows:

1. Violence Against Women Relationships (VAWIR)
2. Sexual Assault
3. Violence Against Children and Youth

The Attorney General's policy stresses that:

Provision of appropriate assistance to victims is essential to keep victims informed of the criminal justice systems, to prepare them for the court experiences, and to refer them to services that may help them through the justice system and to deal with violence in their relationships.

Currently the provincial government is eliminating many of the resources that would facilitate in addressing some of AWAN's concerns with restorative justice. Recently, Crown victim services were terminated and there have been closures of transition houses for battered women and children. These services were provided primarily to off-reserve Aboriginal victims of crime. There is little if any concomitant services for on-reserve Aboriginal Women and children who are dealing with violence. These factors\* underscore AWAN's position that restorative justice not be utilized in cases of violence if there are no services for victims.

Furthermore, as observed in a report prepared for the BC Association of Specialized Victim Assistance and Counseling Program, there was little in the way of an equality or gender analysis of restorative justice reforms in BC. Such an analysis could highlight the implications of restorative justice on marginalized groups such as Aboriginal women and children. The lack of a gender analysis of restorative justice models has been underscored by many authors, including legal scholar Jennifer Koshan who noted, in her examination of reports on Aboriginal justice that:

Many of the reports recommend that the creation of Aboriginal justice systems or reform initiatives without any meaningful consideration of the impact of such reforms on the Aboriginal women who would engage with such systems primarily as survivors of violence crimes.\*\*

Finally, the provincial government (Attorney General) in their VAWIR policy allowed for the application of restorative justice in "exceptional circumstance". AWAN agrees and supports and the concerns of other women's groups that the "exceptional circumstances" provision be eliminated:

The "exceptional circumstances" provision should be eliminated in relation to VAWIR, sexual assault, children sexual abuse, criminal harassment and hate motivated offences

until there is an opportunity to conduct all of the necessary research, analysis and evaluation of these initiatives and consult with all of the affected parties.\*\*\*

#### 4. AWAN's Policy Position on Restorative Justice in Cases of Violence

AWAN is strongly opposed to the use of restorative justice in cases of violence against Aboriginal women and children. Although AWAN supports Aboriginal people's quest for the resumption of their rights to self-determination, they acknowledge that at this time Aboriginal peoples live with the effect of colonization. Until measures are taken by the Federal, Provincial and Aboriginal governments to decolonize attitudes and practices, and to address the impact of colonization on Aboriginal women and children, the application of restorative justice will not be able to best serve the needs, and address the concerns of Aboriginal women and children who are the victims of violent crimes. Decolonization would include a commitment by all governments to address issues of violence, poverty, sexism and racism.

AWAN strongly recommends:

- A moratorium on any agreements that allow for the application of restorative justice practices for crimes of violence against women and children.
- Further research and analysis, by AWAN, on implications for the application of restorative justice for Aboriginal women and children who are victims of violence
- Commitment to fund AWAN to conduct research, examine, evaluate and propose guidelines and criteria for restorative justice practices.
- Adequate resources, both financial and human, for effective services, as defined by Aboriginal women, for Aboriginal women and children who are victims of violence, including a commitment for resources to address the long-term effects of violence
- Resources for: preventative services and community education on the impact of violence and the implications of restorative justice processes for Aboriginal women and children dealing with violence, as defined by Aboriginal women.
- Elimination of the Attorney General's "exceptional circumstances" provision in their VAWIR policy.
- A commitment for the Federal, Provincial and Aboriginal governments for consultation with AWAN on any restorative justice policy, procedures and practices that will impact Aboriginal women and children who are victims of violent crimes.
- Serious consideration be given to AWAN's findings and concerns in any reform of the criminal justice system or implementation of restorative justice programs.

Notes:

\* S. Goundry, "Restorative Justice and Criminal Justice Reform in British Columbia: Identifying Some Preliminary Questions and Concerns" (April 1999) A report prepared for the BC Association of Specialized Victim Assistance and Counseling Programs.

\*\* J. Koshan, "Aboriginal Women, Justice and the Charter: Bridging the Divide?" (1998) UBC Law Review 23.

\*\*\* S. Goundry. "Restorative Justice and Criminal Justice Reform in British Columbia: Identifying Some Preliminary Questions and Concerns" (April 1999) A report prepared for the BC Association of Specialized Victim Assistance and Counseling Programs.

## Appendix II

### Aboriginal Women's Action Network on Prostitution

As Aboriginal women on occupied Coast Salish Territory, we, the Aboriginal Women's Action Network (AWAN) implore you to pay attention to the voices of Aboriginal women and women's groups who are speaking out in the interest of our sisters, our daughters, our friends and all women whose voices have not been heard in the recent media discussion on prostitution and legalized brothels for the 2010 Olympics.

We, the Aboriginal Women's Action Network, speak especially in the interests of the most vulnerable women - street prostitutes, of which a significant number are young Aboriginal women and girls. We have a long, multi-generational history of colonization, marginalization, and displacement from our Homelands, and rampant abuses that has forced many of our sisters into prostitution. Aboriginal women are often either forced into prostitution, trafficked into prostitution or are facing that possibility. Given that the average age at which girls enter prostitution is fourteen, the majority with a history of unspeakable abuses, we are also speaking out for the Aboriginal children who are targeted by johns and pimps. Aboriginal girls are hunted down and prostituted, and the perpetrators go uncharged with child sexual assault and child rape. These predators, pervasive in our society, roam with impunity in our streets and take advantage of those Aboriginal children with the least protection. While we are speaking out for the women in the downtown eastside of Vancouver, we include women from First Nations Reserves, and other Aboriginal communities, most of whom have few resources and limited choices. We include them because AWAN members also originate from those communities, and AWAN members interact regularly with Native women from these communities.

The Aboriginal Women's Action Network opposes the legalization of prostitution, and any state regulation of prostitution that entrenches Aboriginal women and children in the so-called "sex trade." We hold that legalizing prostitution in Vancouver will not make it safer for those prostituted, but will merely increase their numbers. Contrary to current media coverage of the issue, the available evidence suggests that it would in fact be harmful, would expand prostitution and would promote trafficking, and would only serve to make prostitution safer and more profitable for the men who exploit and harm prostituted women and children. Although many well-meaning people think that decriminalization simply means protecting prostituted women from arrest, it also refers,

dangerously, to the decriminalization of johns and pimps. In this way prostitution is normalized, johns multiply, and pimps and traffickers become legitimated entrepreneurs. Say "No" to this lack of concern for marginalized women and children, who in this industry are expected to serve simply as objects of consumption ! The Aboriginal Women's Action Network opposes the legalization of brothels for the 2010 Olympics. We refuse to be commodities in the so-called "sex industry" or offer up our sisters and daughters to be used as disposable objects for sex tourists.

A harm-reduction model that claims to help prostituted women by moving them indoors to legal brothels, not only would not reduce the harm to them, but would disguise the real issues. There is no evidence that indoor prostitution is safer for the women involved. Rather, it is just as violent and traumatic. Prostitution is inherently violent, merely an extension of the violence that most prostituted women experience as children. We should aim not merely to reduce this harm, as if it is a necessary evil and/or inescapable, but strive to eliminate it altogether. Those promoting prostitution rarely address class, race, or ethnicity as factors that make women even more vulnerable. A treatise can be written about Aboriginal women's vulnerability based on race, socio-economic status and gender but suffice it to say that we are very over-represented in street-level prostitution. There may even be a class bias behind the belief that street prostitution is far worse than indoor forms. It is not the street per se or the laws for that matter, which are the source of the problem, but prostitution itself which depends on a sub-class of women or a degraded caste to be exploited. A major factor contributing to the absence of attention given to the women who have gone missing women in Vancouver is the lack of police response, and the insidious societal belief that these women were not worthy of protection, a message that is explicitly conveyed to the johns, giving them the go-ahead to act toward these women with impunity. If we want to protect the most vulnerable women, we could start by decriminalizing prostituted women, not the men who harm them. Although it is not mentioned in the local news, the Swedish model of dealing with prostitution provides an example we should seriously consider. It criminalizes only the buying of sex, not the selling, targeting the customer, pimp, procurer, and trafficker, rather than the prostituted woman, and provides an array of social services to aid women to leave prostitution. Given that the vast majority of prostituted women wish to leave prostitution, we should focus on finding ways to help them to do that rather than entrenching them further into prostitution by legalizing and institutionalizing it. Here in Vancouver, if we are to help those most in need, young Aboriginal women, it would help to think more long-term, to focus on healing and prevention. Let's not get tricked into a supposed fix which is not even a band-aid, but only deepens the wounds.

**AWAN demands that Aboriginal women have the opportunity to raise our families within our Traditional values of having a respected position for women and children in our societies. The single-most effective way of achieving that goal is empowering and resourcing Aboriginal women's groups, such as AWAN, so that we can organize, engage with other sectors of society and speak with our own voices. We have a great deal of certainty that organized Aboriginal women's voices would be calling for "Exiting" programs and services, support for Aboriginal women and children, and an**



**end to forced prostitution. Let Vancouver enter into the 2010 Olympics without wearing the black-eye of decriminalized prostitution and legalized brothels that drive Aboriginal women further down the Human Rights ladder of Canadian and Vancouver society.**