

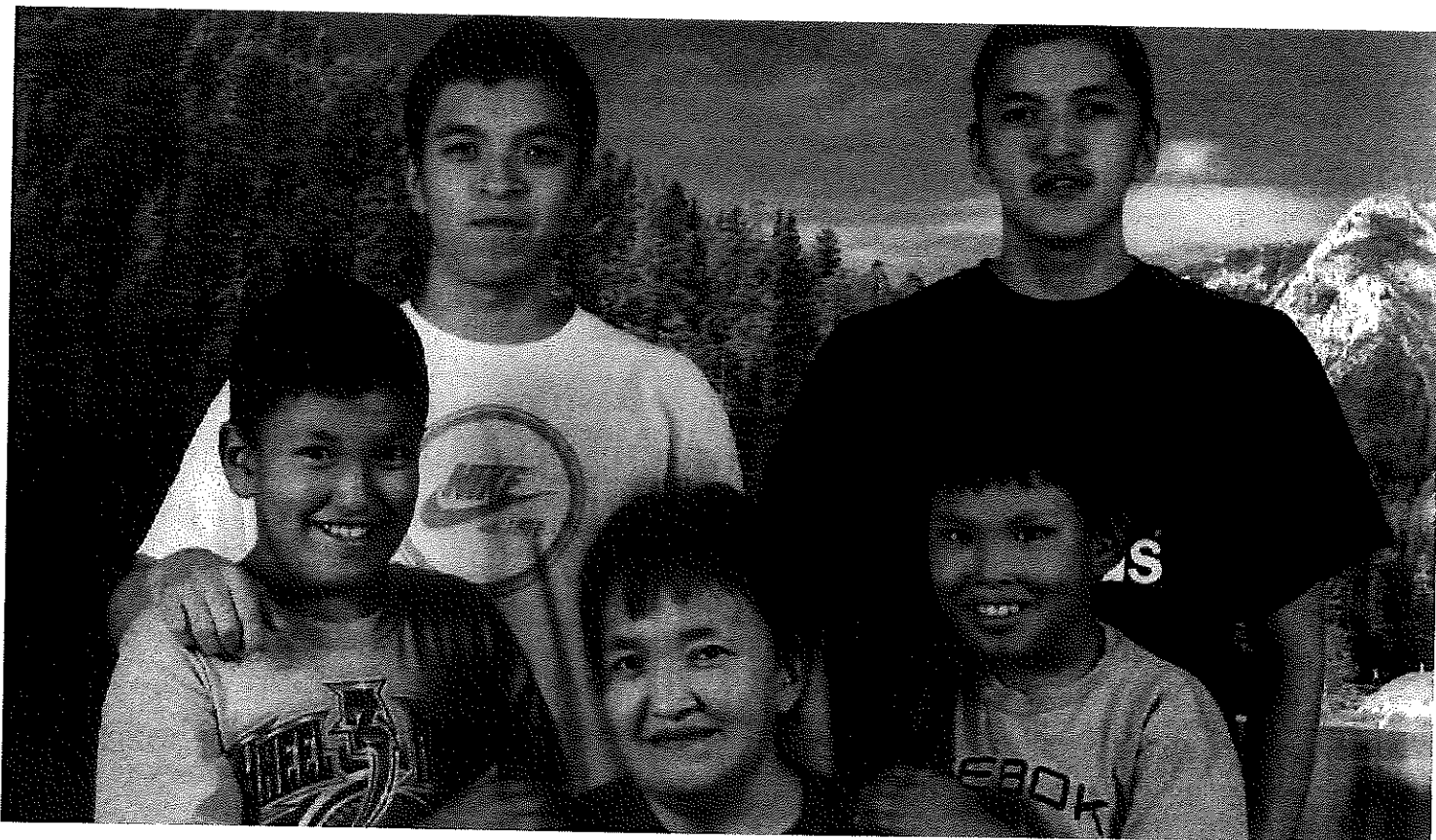
OPINION

Why does the Canadian justice system treat aboriginal people as if they're all the same?

Edward Snowshoe case raises uncomfortable questions

Kris Statnyk · for CBC News · Posted: Jan 01, 2015 8:00 AM CT | Last Updated: January 5, 2015

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Edward Snowshoe, top right, took his own life after spending 162 days in segregation. Snowshoe's story brings to light the dehumanization visited upon indigenous people through their homogenization under Canadian law as 'aboriginal,' writes guest columnist Kris Statnyk. (Effie Snowshoe)

Much has already been said about the unnecessary death of Edward Snowshoe following 162 consecutive days of segregation — a practice that by well-established international standards constitutes torture.

Snowshoe's death has prompted critical questions about the Canadian claim to a just society, as this practice continues to be used as tool of Canadian justice, and disproportionately against indigenous peoples.

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But part of Snowshoe's story raises other critical questions that strike at the heart of the interaction between indigenous peoples and Canada's legal system.

In particular, Snowshoe's story brings to light the dehumanization visited upon indigenous people through their homogenization under Canadian law as "aboriginal."

By lumping all indigenous people in Canada together, our rich diversity and differences are cast aside in favour of convenience. Through the eyes of the state, aboriginals all conveniently share the same identity, with the same bundle of rights, and by implication the same history and relationship to land.

So what? After his younger brothers had been apprehended by the state and reportedly feeling a responsibility to be able to provide for them, 21-year-old Edward Snowshoe attempted to rob a taxi driver in Inuvik. He pleaded guilty, the sentencing judge considered his aboriginal background as required by the law, and Snowshoe was incarcerated in a federal institution.

After the first of several suicide attempts, Snowshoe was transferred to the minimum security O-Chi-Chak-Ko-Sipi Healing Lodge, operated by the Cree community of Crane River in Northern Manitoba. Here Snowshoe was offered "culturally appropriate" programming for aboriginal offenders. He did not participate in any of it. He escaped and fled on day 23, eventually being sent back to maximum security. As we know, Snowshoe later took his own life just months shy of his release.

This is not to comment on the merits of facilities such as O-Chi-Chak-Ko-Sipi Healing Lodge generally — especially when compared to the treatment Snowshoe experienced at other institutions. But the truth is, in this case, Snowshoe likely had no connection to the prairie-based "culturally appropriate" programming he was offered there. It would have been as distant to him as his homelands in Teet'litZeh in Fort McPherson, N.W.T.

It begs asking, what if instead of simply reducing Snowshoe to "aboriginal" he was understood on his own terms as Gwich'in? What if he was given the opportunity to heal on his own land — up North on the Peel River?

And perhaps the bigger questions.

Rather than reducing indigenous people to aboriginal and wondering why we continue to be disproportionately represented in Canada's justice system, what would it mean for all of us to take the multiple and diverse legal systems of indigenous peoples seriously?

In an alternate world, where Gwich'in laws were taken seriously on Gwich'in land, would Edward Snowshoe be alive? Would his brothers have been apprehended by the state? Would he have been tortured for his actions?

I suspect these questions are too big for Canada to answer, especially as the country cannot even facilitate adequate access to justice within its own legal system, let alone several others. They might be too big for some indigenous communities who are tasked today with merely surviving.

But we can try. To do any less is to uphold the ugly and persisting attitudes in Canada that indigenous people are sub-human, inferior and lawless. We must try.

For Edward Snowshoe and the disproportionately incarcerated and segregated indigenous people.

For the young ones apprehended from their homelands by social services at a greater rate than children taken during the Residential School era.

For Brandy Vittrekwa and the epidemic of missing, murdered and abused indigenous women and girls.

For any claim to a just society.

Exhibit: *National Inquiry into Missing and Murdered Indigenous Women and Girls*

Location/Phase: Part III: Quebec

Witness: Panel 1A

Submitted by: E. Zarpa (ITK)

Add'l info: P03 P02 P0101

Date: MAY 14 2010

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