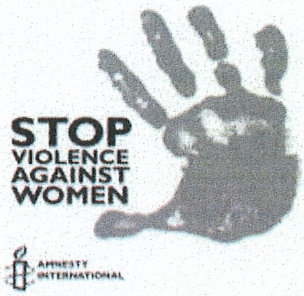
CANADA

Stolen Sisters



A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada

Exhibit: National Inquiry into Missing and Murdered Indigenous Women and Girls
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Stolen Sisters:
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> "It is important to honour the missing and murdered women. It is unacceptable to marginalize these women. The Creator did not create garbage. He created beauty." - elder Dan Smoke, closing a healing ceremony for his sister-in-law, Deborah Anne Sloss who died in Toronto on August 24, 1997 under suspicious circumstances.

Introduction

Helen Betty Osborne was a 19-year-old Cree student from northern Manitoba who dreamed of becoming a teacher. On November 12, 1971, she was abducted by four white men in the town of The Pas and then sexually assaulted and brutally murdered. A provincial inquiry subsequently concluded that Canadian authorities had failed Helen Betty Osborne. The inquiry criticized the sloppy and racially biased police investigation that took more than 15 years to bring one of the four men to justice. Most disturbingly, the inquiry concluded that police had long been aware of white men sexually preying on Indigenous women and girls in The Pas but "did not feel that the practice necessitated any particular vigilance."[1]

The murder of Helen Betty Osborne is one of nine case studies presented in this report. These stories of missing and murdered Indigenous[2] women and girls take place in three of the Western provinces of Canada over a period of three decades. In some cases, the crimes remain unsolved. In others, the perpetrators have been identified as intimate acquaintances, strangers or men encountered in the course of desperate efforts to earn a living. In every instance, it is Amnesty International's view that Canadian authorities should have done more to ensure the safety of these women and girls.

This report examines the following factors which, too long neglected, have contributed to a heightened -- and unacceptable -- risk of violence against Indigenous women in Canadian cities:

- The social and economic marginalisation of Indigenous women, along with a history of government policies that have torn apart Indigenous families and communities, have pushed a disproportionate number of Indigenous women into dangerous situations that include extreme poverty, homelessness and prostitution.

- Despite assurances to the contrary, police in Canada have often failed to provide Indigenous women with an adequate standard of protection.

- The resulting vulnerability of Indigenous women has been exploited by Indigenous and non-Indigenous men to carry out acts of extreme brutality against them.

- These acts of violence may be motivated by racism, or may be carried out in the expectation that societal indifference to the welfare and safety of Indigenous women will allow the perpetrators to escape justice.

These are not new concerns. Indigenous women's organizations, government commissions such as the inquiry into the murder of Helen Betty Osborne and the Royal Commission on Aboriginal Peoples, and United Nations human rights bodies have all called on Canadian officials to address the marginalisation of Indigenous women in Canadian society and to ensure that the rights and safety of Indigenous people are respected and upheld by police and courts.[3] Sadly,

[1] Report of the Aboriginal Justice Inquiry of Manitoba: The Deaths of Helen Betty Osborne and John Joseph Harper, Commissioners A.C. Hamilton and C.M. Sinclair, 1991.

[2] The term "Indigenous" refers to all descendants of the original inhabitants of the territories that now make up Canada. This includes the First Nations, the Inuit and the Métis. In Canada, the word "Aboriginal" has the same meaning and is more widely used. This report uses the term "Indigenous" because of its use in international human rights laws and standards.

[3] See, for instance, Report of the Royal Commission on Aboriginal Peoples (RCAP), 1996, http://www.ainc.inac.gc.ca/ch/rcap/sg/sgmm_e.html; and the Concluding observations of the United

fundamental measures that could help reduce the risk of violence to Indigenous women remain unimplemented. This is only one example of the way Canadian authorities have failed in their responsibility to protect the rights of Indigenous women in Canada.

Scope, Methods and Limitations of This Study

This report examines the role of discrimination in acts of violence carried out against Indigenous women in Canadian towns and cities. This discrimination takes the form both of overt cultural prejudice and of implicit or systemic biases in the policies and actions of government officials and agencies, or of society as a whole. This discrimination has played out in policies and practices that have helped put Indigenous women in harm's way and in the failure to provide Indigenous women the protection from violence that is every woman's human right.

Amnesty International acknowledges that there are many similarities between Indigenous women and non-Indigenous women's experiences of violence in Canada. More needs to be done to address violence against all women. This report is part of a larger, international campaign to stop violence against women.

This report focuses specifically on violence against Indigenous women because of indications of the scale of such violence in Canada, because the link between racial discrimination and violence against Indigenous women has not yet been adequately acknowledged or addressed, and because the victims of this violence are all too often forgotten.

Amnesty International reviewed published reports and the findings of inquests and government inquiries, interviewed survivors of violence and the family members of Indigenous women who have been murdered or who have gone missing, and met with key organizations and individuals who have worked on their behalf. Where possible, the researchers also spoke with police investigators or spokespersons.

The individual stories that form the major part of this report are retold with the permission of the families and friends. Many of the families of missing and murdered Indigenous women in Canada were unable to take this step. Some find it too emotionally difficult talk about their loss. Others have had negative experiences with the way their stories have been told by reporters and academics. There are countless stories that remain untold.

This report focuses primarily on cities in the Western provinces of Canada where there is a large and growing Indigenous population and where there have been a number of highly publicized incidents of violence against Indigenous women. There were regions of Canada that Amnesty International did not have the opportunity to visit in the course of this research and as a result many specific experiences, such as those of Inuit and other northern Indigenous women, the experiences of rural Indigenous women, and Indigenous women living on reserves, unfortunately are not adequately reflected. As was stated by many interviewees, this report is still only 'scratching the surface.' However, Amnesty International hopes that it will contribute to a fuller understanding of the issue from a human rights perspective.

Violence against women, and certainly violence against Indigenous women, is rarely understood as a human rights issue. To the extent that governments, media and the general public do consider concerns about violence against women, it is more frequent for it to be described as a criminal concern or a social issue. It is both of those things of course. But it is also very much a human rights issue. Women have the right to be safe and free from violence. Indigenous women have the right to be safe and free from violence. When a woman is targeted for violence because of her gender or because of her Indigenous identity, her fundamental rights have been abused. And when she is not offered an adequate level of protection by state authorities because or her gender or because of her Indigenous identity, those rights have been violated.

Nations Committee on Economic, Social and Cultural Rights: Canada, 10/12/98, E/C.12/1/Add.31.



I. The international human rights framework

This report addresses violence against Indigenous women as a human rights issue. The concept of human rights is based on the recognition of the inherent dignity and worth of every human being. Through ratification of binding international human rights treaties, and the adoption of declarations by multilateral bodies such as the United Nations, governments have committed themselves to ensuring that all people can enjoy certain universal rights and freedoms.

Amnesty International's research demonstrates that violence experienced by Indigenous women gives rise to human rights concerns in two central ways.

First, is the violence itself and the official response to that violence. When indigenous women are targeted for racist, sexists attacks by private individuals and are not assured the necessary levels of protection in the face of that violence, a range of their fundamental human rights are at stake. This includes the right to life,[4] the right to be protected against torture and ill treatment,[5] the right to security of the person,[6] and the right to both sexual[7] and racial[8] equality. Canada has ratified all of the key human rights treaties that guarantee these fundamental rights.

Notably Canada has not yet ratified the only international human rights treaty dealing specifically with the issue of violence against women, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará). Canadian ratification of this treaty would strengthen the legal and institutional framework for protecting Indigenous women in Canada. The treaty not only requires states to condemn, prevent, and punish violence against women, but also obliges them to undertake progressively specific measures to deal with the root causes of gender-based violence, including, *inter alia*, the provision of specialized shelters and social services for the victims of violence; education and training programs for all those involved in the administration of justice; the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women; and specialized programs aimed at countering social and cultural patterns of conduct "which legitimize or exacerbate violence against women".[9]

The cases in this report and other cases of violence against Indigenous women that are already on the public record[10] do not involve allegations of violence by police or other public officials. But that does not mean that the human rights obligations of governments are not engaged.

International law is clear; governments are of course obliged to ensure that their own officials comply with human rights standards. Governments are also obliged, though, to adopt effective measures to guard against private individuals committing acts which result in human rights abuses.[11] International human

[4] International Covenant on Civil and Political Rights (ICCPR), article 6.
[5] Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, article 2. ICCPR, article 7.
[6] ICCPR, article 9.
[7] Convention on the Elimination of Discrimination against Women (CEDAW), article 2, ICCPR, articles 2(1), 3.
[8] Convention on the Elimination of all forms of Racial Discrimination (CERD), article 2, ICCPR, 2(1).

[9] Inter-American Convention on the Prevention, Punishment and Eradication of Violence against women (Convention of Belém do Pará), article 8.
[10] Some of those cases are described in text found before and after footnote 68, Infra.
[11] CEDAW, article 2(e): "States Parties… undertake to take all appropriate measures to eliminate discrimination against women **by any person, organization or enterprise**." The United Nations' Declaration on the Elimination of Violence against Women requires states to "[e]xercise due diligence to prevent, investigate and…punish acts of violence against women, whether those acts are **perpetrated by the State or by private persons**." (ICCPR, article 2(1): "Each State Party…undertakes to respect **and to ensure** to all individuals…the rights recognized in the present Covenant…" ICCPR, article 2(2): "…each State Party…undertakes to take the necessary steps…to adopt such laws or other measures as may be necessary **to give effect to** the rights recognized in the present Covenant." CERD, article 2(1): "States parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a

rights bodies have made it clear that when governments fail to take such steps, often termed the duty of "due diligence", they will be held accountable under international human rights treaties. The Inter-American Court of Human Rights has described the duty of due diligence as follows:

> An illegal act which violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required by the Convention.[12]

The Court stressed that this duty of "due diligence" means that a state must take reasonable steps to prevent human rights violations, use the means at its disposal to carry out serious investigations, identify those responsible, impose the appropriate punishment and ensure that the victim receives adequate reparation.[13] The UN Human Rights Committee, has stressed that the duty in article 2 of the Covenant on Civil and Political Right to "ensure" the rights included in the Covenant requires appropriate measures be taken to prevent and investigate abuses perpetrated by private persons or entities, punish those responsible and provide reparations to the victims.[14] This concept of due diligence does not in any way lessen the criminal responsibility of those who carry out acts of violence, including murder, against women. However, the concept does underline the inescapable responsibility of state officials to take action.

In her 2003 report to the UN Commission on Human Rights, Radhika Coomaraswamy, the first Special Rapporteur on violence against women clearly described the content of the duty of due diligence when it comes to preventing violence against women.[15]

States must promote and protect the human rights of women and exercise due diligence:

(a) To prevent, investigate and punish acts of all forms of violence against women, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict;

(b) To take all measures to empower women and strengthen their economic independence and to protect and promote the full enjoyment of all rights and fundamental freedoms;

(c) To condemn violence against women and not invoke custom, tradition or practices in the name of religion or culture to avoid their obligations to eliminate such violence;

(d) To intensify efforts to develop and/or utilize legislative, educational, social and other measures aimed at the prevention of violence, including the dissemination of information, legal literacy campaigns and the training of legal, judicial and health personnel;

(e) To enact and, where necessary, reinforce or amend domestic legislation in accordance with

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policy of **eliminating racial discrimination in all its forms**..." Emphasis added.

[12] Inter-American Court of Human Rights, Velásquez Rodríguez Case, Judgment dated 29 July 1988, para. 172.

[13] Ibid, para. 174.

[14] Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13,(2004), para. 8.

[15] Radhika Coomaraswamy, Special Rapporteur on violence against women, Report to the Commission on Human Rights, UN Doc. E/CN.4/2003/75, 6 January 2003, para. 85.

international standards, including measures to enhance the protection of victims, and develop and strengthen support services;

(f) To support initiatives undertaken by women's organizations and non-governmental organizations on violence against women and establish and/or strengthen, at the national level, collaborative relationships with relevant NGOs and with public and private sector institutions.

Second, the range of concerns, some historical and some continuing, which Amnesty International's research has shown to be factors that put Indigenous women at heightened risk of experiencing violence also directly engage a number of fundamental human rights provisions. For instance, past policies revoking the legal Indigenous status of Indigenous women who married non-Indigenous men[16] have already been found by the UN Human Rights Committee[17] to have violated minority cultural rights under article 27[18] of the International Covenant on Civil and Political Rights. Certainly the decades long residential schools program raises a range of human rights concerns related to the physical, sexual and psychological abuse and ill-treatment of the children sent to the schools, but also such economic, social and cultural rights as the right to education.[19]

The UN Committee on Economic, Social and Cultural Rights has highlighted that the economic marginalization of Indigenous peoples in Canada is of concern with respect to Canada's obligations under the Covenant on Economic, Social and Cultural Rights:

> The Committee is greatly concerned at the gross disparity between Aboriginal people and the majority of Canadians with respect to the enjoyment of Covenant rights. There has been little or no progress in the alleviation of social and economic deprivation among Aboriginal people. In particular, the Committee is deeply concerned at the shortage of adequate housing, the endemic mass unemployment and the high rate of suicide, especially among youth, in the Aboriginal communities. Another concern is the failure to provide safe and adequate drinking water to Aboriginal communities on reserves. The delegation of the State Party conceded that almost a quarter of Aboriginal household dwellings required major repairs and lacked basic amenities.[20]

These concerns engage a number of internationally protected human rights, including the rights to housing,[21] work,[22] health[23] and an adequate standard of living.[24]

[16] See text at footnotes 34-36, Infra.

[17] Sandra Lovelace v. Canada, Communication No. R.6/24, U.N. Doc. Supp. No. 40 (A/36/40), at 166.

[18] article 27: " In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

[19] The Convention on the Rights of the Child (CRC), article 29(c): "... the education of the child shall be directed to ... the development of respect for the child's...own cultural identity, language and values..." The Convention did not enter into force until 1990, by which time the residential schools, which had sought to deny Indigenous children their culture and language, had been closed. However the long-term and inter-generational impacts of residential schools continue to the present.

[20] Concluding observations of the Committee on Economic, Social and Cultural Rights: Canada, Supra, footnote 3, para.17.

[21] International Covenant on Economic, Social and Cultural Rights (ICESCR), article 11.

[22] ICESCR, article 6.

[23] ICESCR, article 12.

[24] ICESCR, article 11.

This report highlights some past and present concerns with respect to Indigenous children, such as residential schools and child protection policies as well as some cases involving violence against Indigenous girls. International human rights laws and standards recognize that children need and deserve special protection to ensure the full realization of their potential. The almost universally ratified United Nations Convention on the Rights on the Children establishes as an overarching principle that "in all actions concerning children… the best interests of the child shall be a primary consideration."[25] The Convention recognizes that there are instances where, in the best interests of the child, children must be removed from an abusive family situation. However, the Convention asserts that, in general, parents or legal guardians have the primary responsibility for ensuring the welfare of their children and should be supported by the state in meeting this responsibility.[26] Notably, the Convention also recognizes that every child has a right to preserve his or her cultural identity and family relations and that Indigenous children, in particular, "shall not be denied the right… to enjoy his or her own culture, to profess and practice his or her own religion, to use his or her own language."[27]

At the heart of the various human rights concerns documented in this report is discrimination. Amnesty International's research has found that Indigenous women in Canada face discrimination because of their gender and because of their Indigenous identity. The research highlights that this is compounded by further discriminatory treatment that women face due to poverty, ill-health or involvement in the sex trade.[28] Human rights experts have drawn attention to the interconnections between various forms of discrimination and patterns of violence against women.[29] Amnesty International's research has been conducted within a framework that recognizes the intersections between various forms of discrimination, and supports these findings.

In addition to these existing legal obligations, new and emerging international instruments, such as the UN's draft Declaration on the Rights of Indigenous Peoples, seek to clarify the specific measures needed to ensure the protection and fulfillment of the rights of Indigenous peoples.

II. Understanding violence against Indigenous women

Stolen generations: Colonization and violence against Indigenous women

The UN Declaration on Violence Against Women calls violence against women "a manifestation of historically unequal power relations between women and men" and a means by which this inequality is maintained."[30] Around the world, inequality between men and women in terms of wealth, social status, and access to power has created barriers to women seeking protection of their rights. These barriers include economic dependence on abusive spouses, fear of having their children taken away if they report the abuse, or knowing that they will not be taken seriously by the police and courts.

Moreover, both the perpetrators of violence against women and those who administer the criminal justice system - judges, prosecutors, police - often hold the pervasive view that women are responsible for violence committed against them or that they deserve to be punished for non-conforming behaviour. So even when a woman does overcome these barriers and report that she has been the victim of a violent attack, she may well meet with an unsympathetic or skeptical response. In the few cases in which a suspect is identified and brought to trial, cases of violence against women often founder unless there is clear and unavoidable evidence of force, illustrating to all that the victim "fought back". The perpetrators of violence against women can thus commit their

[25] CRC, article 3(1).
[26] CRC, articles 18, 19, 20.
[27] CRC, article 30.
[28] International law prohibits discrimination on the basis of gender and race. The protection against discrimination also extends to "social origin, property…or other status," ICESCR, article 2(2), ICCPR, article 2(2).
[29] Report of the Special Rapporteur on Violence against Women, Radhika Coomaraswamy, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, A/CONF.189/PC.3/5, 27 July 2001, para. 49.
[30] United Nations Declaration on Violence against Women, 1993, fifth preambular paragraph.

crimes safe in the knowledge that they will not face arrest, prosecution or punishment. Impunity for violence against women contributes to a climate where such acts are seen as normal and acceptable rather then criminal, and where women do not seek justice because they know they will not get it.

For Indigenous women in Canada, violence often takes place in a context shaped, in the words of Canada's Royal Commission on Aboriginal Peoples (RCAP), by the power that the dominant society has wielded "over every aspect of their lives, from the way they are educated and the way they can earn a living to the way they are governed."[31] Historically, in most of the Indigenous cultures that are now part of Canada, there were distinct gender roles for women and men but relative equality between them. Through policies imposed without their consent, Indigenous peoples in Canada "have had to deal with dispossession of their traditional territories, disassociation with their traditional roles and responsibilities, disassociation with participation in political and social decisions in their communities, disassociation of their culture and tradition."[32] Colonialism, which has had a profoundly negative impact on Indigenous communities as a whole, has also affected the relations between Indigenous women and Indigenous men, and pushed many Indigenous women to the margins of their own cultures and Canadian society as a whole.[33]

While it is beyond the scope of this report to look at all the ways government policies have impacted on Indigenous women, two historic policies - the dispossession of Indigenous women who married outside their communities and the removal of children to be educated in residential schools - need to be examined because of their profound and lasting impact on social strife within Indigenous communities and on the marginalization of Indigenous women within Canadian society.

RCAP described the legislation governing Indigenous peoples in Canada as being "conceived and implemented in part as an overt attack on Indian nationhood and individual identity, a conscious and sustained attempt by non-Aboriginal missionaries, politicians and bureaucrats - albeit at times well intentioned - to impose rules to determine who is and is not 'Indian.'"[34] The first of these laws, passed in 1857, allowed Indigenous men to renounce their Indigenous status and the right to live on reserve lands in order to assimilate into non-Indigenous society. Women were not given the same choice: women's status would be determined by the choices made by her husband or father. A second law passed in 1869, stripped women of their Indigenous status and their place in their community if they married a man from another community, even if he was also Indigenous. In addition, children born to an Indigenous woman who married a non-Indigenous man would also be denied status. These laws remained in place for more than a century. Finally, in 1985, after a long struggle by Indigenous women, which included bringing a successful complaint to the UN Human Rights Committee,[35] the policies were repealed for being incompatible with protections against discrimination in the new Canadian Charter of Rights and Freedoms.

Over the next decade, more than 130,000 people - mostly women - applied to have their rights and status restored.[36] For the tens of thousands of women who had been affected over the previous century, losing their status meant the loss of independent standing in their community and increased dependence on their spouses. In many cases, the laws led to women losing all ties to their home communities.

During the same period that so many Indigenous women were being uprooted, the federal government was removing large numbers of Indigenous children from their families and communities to attend schools in predominantly non-Indigenous communities. The explicit purpose of providing education outside of the community was to foster assimilation of Indigenous children into European Canadian culture. The first residential schools were opened in the mid-1870s. In the words of the architect of the system, Canadian Member of

[31] RCAP, Supra, footnote 3.
[32] Beverley Jacobs, "Native Women's Association of Canada's submission to the United Nations Special Rapporteur investigating the Violations of Indigenous Human Rights", December, 2002.
[33] Ibid.
[34] RCAP, Supra, footnote 3.
[35] Sandra Lovelace v. Canada, Supra, footnote 17.
[36] RCAP, Supra, footnote 3.

Parliament Nicholas Flood Davin, the goal was to remove Indigenous children from "the influence of the wigwam" and keep them instead "constantly within the circle of civilized conditions."[37] The children attending residential schools were not allowed to speak their Indigenous languages or to practice their own customs, eroding their sense of identity and driving a wedge between the children and their parents.

Initially, the schools offered low quality education, geared to industrial trades for boys and domestic service for women. Beginning in the mid-twentieth century, they gradually became residences for Indigenous children attending schools in predominantly non-Indigenous communities. The school system was run in collaboration with Christian churches until 1969. Then, in a phase-out period that lasted through the mid-1980s, the system was run solely by the federal government.

Many children in the schools faced inhuman living conditions caused by chronic under-funding and neglect. Harsh punishments sanctioned by the school authorities included beatings, chaining children to their beds, or denying them food. Cloaked by society's indifference to the fate of these children, individual staff carried out horrendous acts of physical and sexual abuse.[38] Summarizing the history of the residential school system, the RCAP points out "head office, regional, school and church files are replete, from early in the system's history, with incidents that violated the norms of the day."[39] Yet even the most alarming reports of abuse and neglect were largely ignored by the church and government officials responsible for the care of these children:

> The avalanche of reports on the condition of children "hungry, malnourished, ill-clothed, dying of tuberculosis, overworked" failed to move either the churches or successive governments "to concerted and effective remedial action." When senior officials in the department and the churches became aware of cases of abuse, they failed routinely to come to the rescue of children they had removed from their real parents.[40]

In a climate of total impunity, staff carried out their crimes without fear of repercussion. However the consequences for many of the children exposed to repeated abuse stayed with them their whole lives and have impacted subsequent generations. Like other survivors of abuse, many of the residential school alumni have carried a sense of shame and self-loathing. Perhaps most harmfully, they were denied the opportunity to be exposed to good examples of parenting, and instead learned violence and abuse.[41]

With the end of the residential school system, survivors began to come forward to tell stories of abuse and demand justice. In the early 1990s, there were a number of prosecutions of staff who had abused children. Following the 1996 RCAP report the federal government established a $350 million dollar fund to provide healing programs for the victims and their families. Applications for support, however, have greatly outstripped the available resources. Indigenous peoples' organizations also argue that there has been inadequate redress for the loss of culture and identity and the intergenerational impacts of all the forms of abuse suffered in the schools. Although the federal government has apologized for the harm done by the residential school system, it has failed to act on RCAP's recommendation that a public inquiry be held so that the injuries suffered by Indigenous communities can be fully acknowledged.

Indigenous peoples' organizations have pointed out that the erosion of cultural identity and the accompanying loss of self-worth brought about, in part, through assimilationist policies like residential schools and the arbitrary denial of some women's Indigenous status, have played a central role in the social strife now faced by many Indigenous families and communities. In the course of researching this report, Amnesty International heard from many families who described the personal loss and hardship they have experienced as a consequence of these policies. Some described losing all contact with a sister or daughter who simply disappeared after being

[37] Ibid.
[38] Ibid.
[39] Ibid.
[40] Ibid.
[41] Ibid.



put into a foster home or marrying a man from another community. Other women described increasing desperate and dangerous lives shaped by loss of culture, community and self-esteem. These are two examples of the stories we have heard:

- Margaret Evonne Guylee's mother was from the Whitedog Reserve in northern Ontario but had been forced to give up her residence in the community in the early 1930s after getting involved with a non-Indigenous man. Margaret Guylee grew up in poverty in Toronto. She then raised six children herself while living on social assistance. She disappeared in 1965. No missing persons report was ever filed. Her daughter, Carrie Neilson, who was only four when her mother disappeared, says she still carries the pain and bewilderment caused by her mother's sudden and still unexplained disappearance. "We believed for years that we were not any good - after all, why would a mother abandon her children if they were good?"

- Edna Brass is a respected elder and counselor working with Indigenous women in Vancouver. As a child, Edna Brass spent 13 years in residential school. She remembers being teased by the other children about a cleft palate that left scars on her face. She remembers worse abuse at the hands of the staff running the school: "I was sexually abused, I was raped, I was beaten." As a consequence of what she endured, Edna Brass says she lost her ties to her culture and lost her own way in life. She entered into a life of substance abuse and living on the streets. Although she was eventually able to pull her own life together, she says her family still suffers the scars of her own uprooting. Edna Brass says, "I, myself, didn't have a home. I felt like I didn't belong anywhere and my children have felt the same. They don't know my family. They don't know my community. I never felt like my reserve is my reserve. I just try to fit in where I can. My daughter suffered because of this."

These personal accounts illustrate one of the central conclusions of the Royal Commission on Aboriginal Peoples. "Repeated assaults on the culture and collective identity of Aboriginal people have weakened the foundations of Aboriginal society and contributed to the alienation that drives some to self-destruction and anti-social behaviour," RCAP concluded. "Social problems among Aboriginal people are, in large measure, a legacy of history.[42]

It is important to emphasize that the disruption of Indigenous families and communities is not a thing of the past. Even as the residential school system was being transformed and eventually phased out from the late 1950s through the 1970s, provincial and territorial governments began to place a dramatically increased number of Indigenous children in foster homes and state institutions. One study found that the number of Indigenous children in state care in the province of British Columbia rose from 29 children in 1955 to 1,446 in 1965.[43] Despite many changes that have taken place in the field of Indigenous child welfare, the Canadian government recently estimated that Indigenous children are currently four to six times more likely than non-Indigenous children to be removed from their families and placed in the care of the state.[44]

These children are being removed from their families and communities to protect them from abuse and neglect. There are clearly circumstances where such measures are needed to protect the rights and welfare of the child. Unlike the residential school system, child welfare institutions are not intending to break children's ties to their families and communities. In fact, since the early 1980s child services in Indigenous communities are increasingly provided by Indigenous organizations funded by the federal government. However, many Indigenous peoples' organizations and other commentators have noted that Indigenous children are often removed from families who want to care for them, but for reasons such as poverty, substance addiction and other legacies of past government policies, are unable to do so. And they

[42] Ibid.
[43] Ibid.
[44] "Building a Brighter Future for Urban Aboriginal Children: Report of the Standing Committee on Human Resources Development and the Status of Persons with Disabilities," June 2003, p.17.

question why there are not more resources available to help Indigenous families address situations of impoverishment, stress, and poor parenting before they reach the point where children are endangered. [45]

A joint study completed in 2000 by the Department of Indian Affairs and Northern Development and Assembly of First Nations found that on average Indigenous run child services programs receive 22 percent less funding than provincially-funded counterparts serving predominantly non-Indigenous communities. The study also found that there was not enough emphasis on funding early intervention programs so that children's welfare and safety could be assured without removal from their families.[46]

"You put a child into care and they get counseling immediately," one witness told a Parliamentary committee, "but when a biological parent is looking for those sources or that funding to maintain their own family and keep it together, it's not available to them."[47]

The painful loss of ties to family, community and culture is a common element of many of the stories of missing and murdered women that have been reported to Amnesty International, some of which are presented in the case studies that follow below. Such loss is not a necessary consequence of children being removed from their families, or even of being adopted into a non-Indigenous family. Some of these women were clearly raised with love and affection by caring foster or adoptive families. There are many ways that ties to their heritage and identity could have been maintained throughout their childhood or, if they had had the chance, rebuilt in later life. Nor is loss of culture a direct cause of violence. However, for young people in particular, a loss of a sense of identity, belonging and ultimately self-worth needs to be understood and addressed as a critical factor potentially contributing to self destructive behaviour and in vulnerability to exploitation by others.[48]

Indigenous women in Canadian cities: Displaced in their own land

The Canadian government's Royal Commission on Aboriginal Peoples acknowledged in its 1996 report that there have been widespread violations of Indigenous peoples' land and resource rights – including the erosion of more than two-thirds of the land base of Indigenous communities -- since the formation of the Canadian state.[49] The Commission warned:

> Without adequate lands and resources, Aboriginal nations will be unable to build their communities and structure the employment opportunities necessary to achieve self sufficiency. Currently on the margins of Canadian society, they will be pushed to the edge of economic, cultural and political extinction. The government must act forcefully, generously and swiftly to assure the economic, cultural and political survival of Aboriginal nations."[50]

With the loss of traditional livelihoods within Indigenous communities, the opportunities for education and employment in Canadian towns and cities have become a powerful draw for a growing number of Indigenous people. Almost 60 percent of Indigenous people in Canada now live in urban settings.[51] Critically, however, the majority of

[45] Cindy Blackstock, Sarah Clarke, James Cullen, Jeffrey D'Hondt, and Jocelyn Formsma. *Keeping the Promise: The Convention on the Rights of the Child and the Lived Experiences of First Nations Children and Youth.* First Nations Child and Family Caring Society of Canada. Ottawa. 2004.

[46] First Nations Child and Family Services Joint National Policy Review, June 2000.

[47] Claudette DeWitt, Ben Calf Robe Society, Testimony to the Subcommittee on Children and Youth at Risk, March 19, 2003 in "Building a Brighter Future for Urban Aboriginal Children", Supra, footnote 44, p.18.

[48] RCAP, Supra, footnote 3. Save the Children Canada, *Sacred lives: Canadian Aboriginal children and youth speak out about sexual exploitation*, National Aboriginal Consultation Project, Ottawa, 2000.

[49] RCAP, Ibid.

[50] Ibid.

[51] Andrew J. Siggner. "Urban Aboriginal Populations: An Update Using the 2001 Census Results." In David Newhouse & Evelyn Peters, eds. *Not Strangers in*

Indigenous peoples in Canadian towns and cities continue to live at a disadvantage compared to non-Indigenous people, facing dramatically lower incomes and a shortage of culturally appropriate support services in a government structure that has still not fully adjusted to the growing urban Indigenous population.

In the 1996 census, Indigenous women with status living off-reserve earned on average $13,870 a year.[52] This is about $5500 less than non-Indigenous women. Other groups of Indigenous women, such as Inuit and Métis women, recorded slightly higher average annual incomes, but all substantially less than what Statistics Canada estimated someone living in a large Canadian city would require to meet their own needs.[53] In fact, many Indigenous women living in poverty not only have to look after themselves but also must care for elderly parents, raise children or tend to loved ones in ill-health, often with only a single income to live on. Homelessness and inadequate shelter are believed to be widespread problems facing Indigenous families in all settings.[54]

The difficult struggle to get by is compounded by many Indigenous peoples' experience of racism, both subtle and overt, within the dominant society. As described by the Canadian Panel on Violence against Women: "most Aboriginal people have know racism first-hand - most have been called 'dirty Indians' in schools or foster homes or by police and prison guards. Aboriginal people have also experienced subtle shifts in treatment and know it is no accident."[55]

As a whole, Indigenous people living off-reserve move frequently, more so than other people living in Canada.[56] For some, this is movement to and from their home communities as they try to maintain a connection with their families and cultures. For others, this movement may be a reflection of a kind of rootlessness stemming from the fact that their ties to family and community were severed long ago, perhaps by their loss of membership in their home community or perhaps due to their removal to a residential school or some other form of state care. One consequence of this "churn factor", as it is sometimes called, is that many Indigenous people are not aware of -- or are unable to access -- the services available to them where they live.

In Canada, the federal government is responsible for health and social services on reserve and in Inuit communities, while the provincial and territorial governments provide services elsewhere. This has led to a gap in services for Indigenous people living in Canadian towns and cities. While Indigenous people living off-reserve have access to programs and services designed for the general population, these programs and services are not necessarily aligned to the specific needs of Indigenous peoples, or delivered in a culturally appropriate way.

Over the last decade, the federal government has increasingly recognized the need for programs and services for Indigenous people in predominantly non-Indigenous communities. Funding, however, lags behind the growth in the urban Indigenous population and the delivery of services through various government departments is often uncoordinated. The Federal Interlocutor for Métis and Non-Status Indians pointed out in 2003 that almost 90 percent of the funding for programs designed for Indigenous peoples is spent on reserves, while off-reserve programs for Indigenous people are delivered through 22 federal departments, as well as provincial and territorial agencies.[57] Responding to these comments, a federal subcommittee on Indigenous child welfare described a "jurisdictional

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These Parts: Urban Aboriginal Peoples. Policy Research Initiative. Ottawa, 2003.

[52] Indian and Northern Affairs Canada. *Aboriginal Women: A Profile from the 1996 Census*, Ottawa, 2001.

[53] Statistics Canada. *Low income cut offs from 1994-2003 and low income measures from 1992-2001*, Ottawa, 2003.

[54] Mary Ann Beavis, Nancy Klos, Tom Carter and Christian Douchant. Literature Review: Aboriginal peoples and Homelessness. Institute of Urban Studies, The University of Winnipeg. January 1997.

[55] Freeman Marshall, Pat and Marthe Asselin Vaillancourt. *Changing the Landscape: Ending Violence –Achieving Equality: Final Report of the Canadian Panel on Violence Against Women*, Ottawa: Supply and Services Canada, 1993.

[56] *Aboriginal Women: A Profile from the 1996 Census*. Supra, footnote 52.

[57] "Building a Brighter Future for Urban Aboriginal Children", Supra, footnote 45, p.6

web" in which there is often little coordination or communication "within and between the municipal, provincial and federal levels of government."[58]

Indigenous people have formed a wide range of service organizations to help address the needs of the growing urban Indigenous population, including employment counseling, addiction services, health centers and shelters for women and girls escaping violence. However, most, if not all, report that their work is jeopardized by chronic under funding and the failure of government to provide funding on a stable, multi-year basis. Being dependent on short-term funding diverts energy from vital services to fundraising, or to managing crises when funds don't arrive. Without stable funding, long-term projects are difficult to plan and organizations fear they won't be able to keep their commitments to the people they serve.

In 2000, the Ontario Federation of Indian Friendship Centres - organizations that represent and provide support to Indigenous people outside their own communities - surveyed Indigenous families about their lives in Ontario cities. All those interviewed described the psychological hardship of their struggle to provide for themselves with little support from the larger community. "Words such as low self-esteem, depression, anger, self-doubt, intimidation, frustration, shame and hopelessness were used to describe some of the crushing feelings of Aboriginal children and parents living in poverty. Families are feeling despair as they cannot see any way to 'rise above' their situations."[59]

Prostitution is one means that some Indigenous women have resorted to in the struggle to provide for themselves and their families in Canadian cities. A survey of 183 women in the Vancouver sex trade carried out by the PACE (Prostitution Alternatives Counseling and Education) Society found roughly 40 percent of the women said they got into the sex trade primarily because they needed the money, and an additional 25 percent referred to drug addiction as part of the reason they starting selling sexual services, while many others referred to pressure from boyfriends or family members.[60] Almost 60 percent said they continued working in the sex trade to maintain a drug habit.[61] In the PACE study, more than 30 percent of sex workers surveyed were Indigenous women, although Indigenous people make up less than two percent of the city's population.[62] Indigenous women are believed to be similarly over-represented among sex workers in other Canadian cities.

The UN Committee on the Rights of the Child has expressed concern about "Aboriginal children [in Canada] who, in disproportionate numbers, end up in the sex trade as a means of survival."[63] The non-governmental organization, Save the Children Canada, spoke with more than 150 Indigenous youths and children being exploited in the sex trade. According to their report, almost all the youth and children interviewed described "the overwhelming presence of disruption and discord in their lives, accompanied by low self-esteem."[64] Other factors common to many of the young peoples' lives included a history of physical or sexual abuse, a history of running away from families or foster homes, lack of strong ties to family and community, homelessness or transience, lack of opportunities, and poverty. The report comments:

> Any trauma that detaches children from their families, communities and cultures increases the likelihood of involvement in commercial sexual exploitation. Once a child or youth loses such basic parameters as safety, shelter, and sustenance, their vulnerability forces them into situations whereby the sex trade can become the only viable alternative for survival. [65]

[58] Ibid. p.7
[59] Ontario Federation of Indian Friendship Centres, *Urban Aboriginal Child Poverty: A Status Report on Aboriginal Children & Their Families in Ontario*, Toronto, Ontario, October, 2000.

[60] PACE Society, Violence against Women in Vancouver's Street Level Sex Trade and the Police Response, Vancouver, 2000, p. 82, pp. 32-3.
[61] Ibid. pp. 32-3.
[62] Ibid. p. 6.
[63] Concluding Observations of the Committee on the Rights of the Child: Canada, CRC/C/15/Add.215, 27/10/2003, para. 52.
[64] Save the Children Canada, Supra, footnote 48, p.33.
[65] Ibid. p.34.

III. Violence against Indigenous women: widespread but poorly understood

According to a 1996 Canadian government statistic, Indigenous women between the ages of 25 and 44 with status under the federal Indian Act, are five times more likely than other women of the same age to die as the result of violence.[66] Indigenous women's organizations have long spoken out against violence against women and children within Indigenous communities – concerns that have still not received the attention they deserve.[67] More recently, a number of advocacy organizations, including the Native Women's Association of Canada (NWAC), have drawn attention to acts of violence perpetuated against Indigenous women in predominantly non-Indigenous communities. A number of high profile cases of assaulted, missing or murdered Indigenous women and girls has also helped focus greater public attention – in some instances, very belatedly – on violence against Indigenous women in specific cities. For example:

- A joint RCMP/Vancouver City Police Taskforce is investigating the disappearance of 60 women and one transgender person from Vancouver, British Columbia over the last decade. Sixteen of the missing women are Indigenous, a number far in excess of the proportion of Indigenous women living in Vancouver. A British Columbia man, Robert Pickton, is currently awaiting trial for 22 murder charges related to this investigation. Police and city officials had long denied that there was any pattern to the disappearances or that women were in any particular danger.

- In two separate instances in 1994, 15-year-old Indigenous girls, Roxanna Thiara and Alishia Germaine, were found murdered in Prince George in eastern British Colombia. The body of a third 15-year-old Indigenous girl, Ramona Wilson, who disappeared that same year, was found in Smithers in central British Columbia in April 1995. Only in 2002, after the disappearance of a 26-year-old non-Indigenous woman, Nicola Hoar, while hitchhiking along a road that connects Prince George and Smithers, did media attention focus on the unsolved murders and other disappearances along what has been dubbed "the highway of tears."

- In 1996, John Martin Crawford was convicted of murder in the killings of three Indigenous women, Eva Taysup, Shelley Napope, and Calinda Waterhen, in Saskatoon, Saskatchewan. Warren Goulding, one of the few journalists to cover the trial, has commented: "I don't get the sense the general public cares much about missing or murdered aboriginal women. It's all part of this indifference to the lives of aboriginal people. They don't seem to matter as much as white people."[68]

- In May 2004, a former British Columbia Provincial Court judge, David William Ramsey, pleaded guilty to buying sex from and assaulting four Indigenous girls, aged 12, 14, 15 and 16, who had appeared before him in court. The crimes were committed between 1992 and 2001. In June, the former judge was sentenced to seven years in prison.

- In Edmonton, Alberta, police are investigating 18 unsolved murders of women in the last two decades. Women's organizations in the city estimate that a disproportionate number of the women were Indigenous.

NWAC believes that the incidents that have come to light are part of a larger pattern of violent assaults, murders and disappearances of Indigenous women across Canada. The organization has estimated that over the past twenty years more than five hundred

[66] Aboriginal Women: A Demographic, Social and Economic Profile, Indian and Northern Affairs Canada, Summer 1996.

[67] See, for example, Claudette Dumont-Smith and Pauline Sioui Labelle, *National Family Violence Abuse Study* , Aboriginal Nurses of Canada, 1991. Pauktuutit (Inuit Women's Association), *No more secrets*, 1991.

[68] "Serial killer who roamed Saskatoon met with indifference by police, media: Journalist-author accepts award for book about slain aboriginal women." Edmonton Journal,. 29 November, 2003.

Indigenous women may have been murdered or gone missing in circumstances suggesting violence.

Unfortunately, while there is clear evidence that Indigenous women in Canada face an extraordinarily high risk of violence, significant gaps in how police record and share information about missing persons and violent crimes means that there is no comprehensive picture of the actual scale of violence against Indigenous women, of who the perpetrators are, or in what circumstances the violence takes place. Reports of violent crimes or missing persons may be investigated by municipal police forces, provincial forces, Indigenous police forces or the national police force, the Royal Canadian Mounted Police (RCMP). Police have said that they do not necessarily record the ethnicity of crime victims or missing persons when entering information into the Canadian Police Information Centre database, the principle mechanism for sharing information among police forces in Canada.[69] According to the Canadian Centre for Justice Statistics, in 11 percent of homicides in 2000, Canadian police did not record or report on whether or not the victim was an Indigenous person.[70]

An RCMP task force is currently investigating 40 unsolved murders and 39 long term missing persons cases in the province of Alberta. All but three of the victims are women. These cases were identified in the course of what the RCMP describes as a "comprehensive analysis" meant to identify possible links and create a profile of common risk factors. A spokesperson for the project interviewed by Amnesty International was unable to say how many of the missing women are Indigenous saying there was "not a lot of focus on this."

A 1999 report by the United States Department of Justice provides statistics on a range of violent crimes against Indigenous people in the U.S.A. According to this report, Indigenous women are more than twice as likely as white women to be the victims of violent crime overall and the rates of reported sexual assault are more than three times higher for Indigenous women than non-Indigenous women in the U.S.

Roughly 15 percent of all violent attacks against Indigenous people in the US, and 25 percent of sexual assaults, were reported as being carried out by intimates and family members, while the vast majority of perpetrators were either acquaintances or strangers. This is very close to the experience of all other ethnic groups. What is unique about Indigenous women's experience, according to this report, is that fully 70 percent of all violent crimes against Indigenous people in the US - and 90 percent of sexual assaults - are reported to be carried out by non-Indigenous people.[71]

To Amnesty International's knowledge, similar statistics are not available in Canada. This is one example of the kind of information that would help better inform efforts to educate about and prevent violence against Indigenous women. As one study on sexual violence against Indigenous women in Canada concluded:

> Collection of race and crime statistics is encouraged on a larger scale than what is currently available in order that we may better understand trends in both Aboriginal offending and victimization patterns. Crime and victimization policy is often informed by such statistics in order to prevent crime and effect more efficient operation of the criminal justice system. Desperately needed, culturally sensitive and appropriate programming cannot be developed without the statistics to prove there is a need. Additionally, possible discrimination by criminal justice members cannot be pinpointed unless there are statistics that demonstrate there is overrepresentation within the system. By not collecting racial background information, Canadian policy may be reflecting an inherent bias of the racial majority, thereby potentially contributing to over-representation of Aboriginal

[69] Canadian Press, "Missing aboriginal women inspire national campaign," 22 March, 2004.

[70] *Juristat*, Vol 21, No.9, Canadian Centre for Justice Statistics, Statistics Canada, 2001.

[71] *American Indians and Crime.* Bureau of Justice Statistics, U.S. Department of Justice. 1991 p. 6.

STOP VIOLENCE AGAINST WOMEN

peoples within the criminal justice system.[72]

Violence against Women in the Sex Trade

Whether or not prostitution is a criminal act, women in the sex trade are entitled to the protection of their human rights. Concrete and effective measures must be adopted to ensure their safety and to bring to justice those who commit or profit from violence against sex trade workers.

Working in the sex trade in Canada can be extremely dangerous for women, whether Indigenous or non-Indigenous. This is especially true for women who solicit on the streets. In the PACE study, one-third of the women said they had survived an attack on their life while working on the street.[73]

Women in the sex trade are at heightened risk of violence because of the circumstances in which they work, and because the social stigmatization of women in the sex trade provides a convenient rationale for men looking for targets for acts of misogynistic violence.[74]

There are additional concerns around police treatment of Indigenous and non-Indigenous women in the sex trade. The threat of arrest makes many women reluctant to report attacks to the police or cooperate with police investigations. As a result, the perpetrators may be encouraged by the belief that they are likely to get away with their crimes.

Under Canadian law, the act of prostitution is not illegal, but communicating in public for the purpose of buying or selling sexual services, as well as buying or attempting to buy the sexual services of someone younger than 18, being found in a place maintained for prostitution, and procuring or living off the proceeds of someone else's prostitution are all criminal acts.[75] Many in the sex trade say that the threat of enforcement of these laws is used to drive sex trade workers from neighbourhoods where affluent residents are likely to complain, into less visible, and therefore more dangerous areas.[76]

The threat of arrest places sex workers in an "adversarial relationship" with police.[77] Sex workers are reluctant to seek the protection of police for fear of being arrested. In turn, police tend to look on prostitutes with suspicion and mistrust, and may blame them for putting themselves in positions of risk.

The executive director of Regina's Sex Workers' Advocacy Project, Barb Lawrence, told Amnesty International about comments made by one police officer. A sex worker missed an appointment with a Crown Prosecutor to give testimony in the case of a murdered Indigenous woman in Regina. Lawrence, who had set up the meeting, eventually received a call from the sex worker. It turned out that the woman was being held by city police who wanted her to provide evidence on a separate case. The police had refused to believe that she had a meeting with the prosecutor's office. When Lawrence and the prosecutors went to the police station to meet the woman, the arresting officer reportedly said he had no reason to believe the woman's claims, saying "she's just a hooker on the street."

The isolation and social marginalization that increases the risk of violence faced by women in the sex trade is often particularly acute for Indigenous women. The role of racism and sexism in compounding the threat to Indigenous women in the sex trade was starkly noted by Justice David Wright in the 1996 trial of John Martin Crawford for the murder of three Indigenous women in Saskatchewan:

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[72] Hannah S. Scott and Rebecca L. Beaman. "Sexual assault among Aboriginal and non-Aboriginal peoples in a Western Canadian city: A case for including race when collecting crime data." *Online Journal of Justice Studies*, Vol. 1, No.1, January 2003, http://ojjs.icaap.org/issues/1.1/scott-beaman.html.

[73] PACE Society, Supra, footnote 60, p.6.

[74] John Lowman. "Violence and the Outlaw Status of (Street) Prostitution in Canada,"Violence Against Women, Vol.6, No.9, September 2000, pp. 987-1011, at p.989.

[75] Criminal Code of Canada, ss. 212, 213.

[76] Pivot Legal Society. Voices for Dignity: A Call to End the Harms Caused by Canada's Sex Trade Laws, Vancouver, 2004.

[77] Lowman, Supra, footnote 74, p.1008.

> It seems Mr. Crawford was attracted to his victims for four reasons; one, they were young; second, they were women; third, they were native; and fourth, they were prostitutes. They were persons separated from the community and their families. The accused treated them with contempt, brutality; he terrorized them and ultimately he killed them. He seemed determined to destroy every vestige of their humanity.[78]

Racist Violence and Indigenous Women

The Manitoba Justice Inquiry said of the murder of Helen Betty Osborne:

> Her attackers seemed to be operating on the assumption that Aboriginal women were promiscuous and open to enticement through alcohol or violence. It is evident that the men who abducted Osborne believed that young Aboriginal women were objects with no human value beyond sexual gratification.[79]

As the inquiry recognized, racism and sexism intersect in stereotypes of Indigenous women as sexually "available" to men. This intersection of sexism and racism contributes to the assumption on the part of perpetrators of violence against Indigenous women that their actions are justifiable or condoned by society.

Frontline organizations contacted by Amnesty International confirmed that racist and sexist attitudes toward Indigenous women continue to be a factor in attacks on Indigenous women in Canadian cities.

[78] Transcript of trial, *R v Crawford*, May 31, 1996, p.87. Warren Goulding. *Just Another Indian: A Serial Killer and Canada's Indifference*, Calgary: Heritage House Publishing Company, 2001, p.188.
[79] Aboriginal Justice Inquiry of Manitoba, Supra, footnote 1.

Police, however, are inconsistent in their acknowledgement of this threat. Some police spokespersons told Amnesty International that they believe that "lifestyle" factors, such as engaging in the sex trade or illegal drug use are the most important risk factors, and that other factors such as race or gender are not significant enough to be considered in their work. Other police spokespersons told Amnesty International that they have seen that racism and sexism are factors in attacks on Indigenous women and that they consider Indigenous women as a whole to be at risk.

Over-Policed and Under-Protected

Numerous studies of policing in Canada have concluded that Indigenous people as a whole are not getting the protection they deserve.[80] This conclusion is supported by the testimony of many of the families interviewed by Amnesty International. A few described police officers who were polite and efficient and who, in a few cases, even went to extraordinary lengths to investigate the disappearance of their loved ones. Other families described how police failed to act promptly when their sisters or daughters went missing, treated the family disrespectfully, or kept the family in the dark about how the investigation – if any – was proceeding.

A number of police officers interviewed by Amnesty International insisted that they handle all cases the same and do not treat anyone differently because they are Indigenous. However, if police are to provide Indigenous people with a standard of protection equivalent to that provided to other sectors of society, they need to understand the specific needs of Indigenous communities, be able to communicate with Indigenous people without barriers of fear and mistrust, and ultimately be accountable to Indigenous communities. As some police officers acknowledged to Amnesty International, this is clearly not the case today.

Across the country, Indigenous people face arrest and criminal prosecution in numbers far out of

[80] See, for example: Saskatchewan Commission on First Nations and Métis Peoples and Justice Reform (Saskatchewan Justice Reform Commission), Final Report, Regina, 2004. Aboriginal Justice Inquiry of Manitoba, Supra, footnote 1.

proportion to the size of the Indigenous population. The Manitoba Justice Inquiry suggested that the over representation of Indigenous people in the justice system may partly stem from the predisposition of police to charge and detain Indigenous people in circumstances "when a white person in the same circumstances might not be arrested at all, or might not be held."[81] The Inquiry explained that many police have come to view Indigenous people not as a community deserving protection, but a community from which the rest of society must be protected. This has lead to a situation often described as one of Indigenous people being "over-policed" but "under-protected."[82]

Many Indigenous people feel they have little reason to trust police and as a consequence, are reluctant to turn to police for protection. Police forces were used to enforce policies such as the removal of children to residential schools that have torn apart Indigenous communities. Today, many Indigenous people believe police are as likely to harm as to protect them. Amnesty International has previously drawn attention to incidents in which police in Canada have been responsible for, or are apparently implicated in acts of violence against Indigenous people or apparent reckless disregard for their welfare and safety. These include the 1995 killing of land rights protestor Dudley George by an Ontario Provincial Police officer and the concern that police may have been involved in a series of freezing deaths of Indigenous men on the outskirts of Saskatoon.[83]

The Saskatchewan Justice Reform Commission noted that "mothers of Aboriginal youth have spoken about the apprehension they feel when their children leave the home at night. Their fears involve the possibility of police abusing their children."[84] One Indigenous woman, herself a professor at a Canadian university, told Amnesty International that she has instructed her teenage son to never talk to the police unless she is present.

Protesting against the absence of any permanent police force in many Northern communities, the Inuit Women's Association of Canada has said, "In order to serve all parts of the communities, the police have to know our communities, they must be a part of our communities."[85] Many police forces in Canada now require officers to take courses in cultural sensitivity, cross cultural communication or Indigenous history to help improve their understanding of Indigenous communities. Despite such requirements, the Saskatchewan Justice Reform Commission concluded, "police officers continue to be assigned to First Nations and Métis communities with minimal knowledge of the culture and history of the people they serve."[86]

Despite the efforts of many police forces to hire more Indigenous officers, Indigenous people are still underrepresented in police forces across Canada.[87] Greater effort must be made to hire more Indigenous officers, especially women.

More attention must also be made to integrate an understanding of Indigenous communities into core learning experiences of all officers. For example, the concerns, perspectives and needs of Indigenous communities should be reflected in the operational scenarios used in police training. Officers also need the time and the opportunity within their day-to-day duties to develop the necessary relationships of mutual understanding and trust with Indigenous communities. Unfortunately, many officers told Amnesty International that heavy workloads and frequent, often mandatory, rotations in and out of assignments, present real barriers to officers understanding and being trusted by Indigenous communities.

[81] Aboriginal Justice Inquiry of Manitoba, Supra, footnote 1.
[82] The Aboriginal Justice Implementation Commission, Final Report, Manitoba, 2001.
[83] Amnesty International, *The police killing of Dudley George: Eight years on -- many questions remain unanswered*, September 4, 2003, AMR 20/003/2003. Amnesty International, *Canada: Saskatchewan needs an independent body to investigate police*, May 19, 2003, AMR 20/C02/03.
[84] Saskatchewan Justice Reform Commission, Supra, footnote 80, pp. 5-3, 5-4.
[85] Pauktuutit (Inuit Women's Association of Canada), Inuit Women and Justice: Progress Report No. 1, Appendix, Violence Against Women and Children: The Concerns of Labrador Women pp.5-6.
[86] Saskatchewan Justice Reform Commission, Supra, footnote 84, pp. 5-8.
[87] Ibid, pp. 5-10, 5-11. The Aboriginal Justice Implementation Commission, Supra, footnote 82.

Police forces should work with Indigenous organizations to establish practices and policies that can support not only the learning of individual officers, but also an improved relationship between Indigenous communities and the force as a whole. The Saskatchewan Justice Reform Commission pointed to a number of positive practices within the Saskatoon police force that it felt should be emulated elsewhere. These included the creation of an Indigenous liaison post and regular cooperation with community elders, including having elders accompany officers on some patrols in predominantly Indigenous neighbourhoods.[88]

One of the critical areas for institutional reform highlighted by Amnesty International's research is the way police respond to reports of missing persons. Many Indigenous families told Amnesty International that police did little when they reported a sister or daughter missing and seemed to be waiting for the woman to be found. Police point out that the vast majority of people who are reported missing have run away or chosen to break off ties with family or friends. Most people who have voluntarily "gone missing" in this way do quickly turn up on their own.

However, this does not excuse incidents recounted to Amnesty International where, despite the concern of family members that a missing sister or daughter was in serious danger, police failed to take basic steps such as promptly interviewing family and friends or appealing to the public for information. These steps are particularly urgent when the missing person is a girl, as the State has special obligations to find and protect children at risk. However, every missing person report needs to be carefully assessed to determine the risk to the missing person. Unfortunately, even in large cities, many Canadian police forces do not have specialized personnel assigned to missing person cases. Instead, the task of assessing the risk and the credibility of the family's fears may fall to individual officers with little or no specific training or experience related to missing persons.

To Amnesty International's knowledge, few police forces have specific protocols on actions to be taken when Indigenous women and girls are reported missing. The national police force, the RCMP, does require that a specialized liaison officer be involved in the case when the missing person is Indigenous. All forces should work with Indigenous communities to develop and put in place more specific protocols that are sensitive to the particular concerns and circumstances in which Indigenous women are reported missing.

Because of the vital role they play in society, and the power they wield, it is critical that police be held accountable. That must include accountability for failing to fulfill their duties, as spelled out in official policies, to fully and impartially investigate all reports of threats to women's lives. That issue emerged as a clear concern in the course of research for this report. The families of missing and murdered women need to have greater formal access to the police, for example through the appointment of community ombudspersons, to ensure that their concerns are addressed in an appropriate manner.

The healing journey: justice for missing and murdered Indigenous women

All victims of violent crime have the right to justice. Under international human rights laws and standards, justice is not limited to the prosecution and punishment of the person who carried out the crime. Justice also includes a public acknowledgement of the crime, the opportunity and the ability for the victims of violence and their survivors to heal and to rebuild their lives, and assurance that the crime will not be repeated.

Although the formal court system cannot address all of these needs on its own, it nonetheless plays a vital role in assuring justice in the fullest sense of the word. The Saskatchewan Justice Reform Commission noted that the Canadian court system was imposed on Indigenous peoples without their consent and continues to be looked on with suspicion and mistrust by many.[89] To establish trust in the court system, and ensure that court proceedings reflect an awareness and appreciation of the specific circumstances of Indigenous peoples, the Commission recommended cross-cultural training for all judges and the appointment of Indigenous judges

[88] Ibid., p. A-34.

[89] Saskatchewan Justice Reform Commission, Supra, footnote 84, p.6-3.

STOP VIOLENCE AGAINST WOMEN

in every level of court.[90] The Manitoba Justice Inquiry had early recommended increased recruitment of Indigenous judges and prosecutors and urged cross-cultural training "for all those working in any part of the justice system who have even occasional contact with Aboriginal people."[91]

It is important as well that Indigenous people who come in contact with the law, either as the accused or as victims, receive appropriate assistance in understanding the court system and having their voices heard. Amnesty International notes that in many jurisdictions across Canada a system of Indigenous court workers provides advocates to work on behalf of community members dealing with the justice system. Clear policies and protocols should also be established with respect to the timely provision of information, including autopsy results and coroners reports, to the families of missing and murdered persons.

Official indifference

In 1999, the Canadian government itself told the UN Human Rights Committee that the situation of Indigenous peoples is "the most pressing human rights issue in Canada."[92] Despite this admission, Canada has been repeatedly criticized by UN treaty bodies, including the UN Committee on Economic, Social and Cultural Rights,[93] the UN Committee for the Elimination of Racial Discrimination,[94] the UN Committee on the Rights of the Child,[95] and the UN Human Rights Committee,[96] for its failure to implement comprehensive reforms identified as critical by its own Royal Commission on Aboriginal Peoples. Furthermore, the UN Committee on the Elimination of Discrimination against Women has expressed concern about "persistent, systematic discrimination faced by aboriginal women in all aspects of their lives."[97]

While the federal and provincial governments in Canada can point to numerous programs undertaken to fulfill the rights of Indigenous peoples, the seriousness of these concerns requires that government do more.

Many of the families and frontline organizations interviewed for this report expressed concern and anger at the seeming indifference of Canadian officials and Canadian society for the welfare and safety of Indigenous women. This official indifference is well illustrated by the Canadian government's response to one of the most notorious killings of an Indigenous woman from Canada.

Anna Mae Pictou Aquash was a Mik'maq woman from Indian Brook First Nation, Nova Scotia. On February 24, 1976, in the midst of a protracted and violent conflict involving the American Indian Movement (AIM) and the US Federal Bureau of Investigation (FBI), her body was found on the Pine Ridge Reservation in South Dakota. An autopsy concluded that she had been killed by a single gun shot to the back of her head. Despite the high profile of her death, and intensive FBI operations targeting members of AIM, almost 30 years passed before anyone was charged in her killing.[98]

Anna Mae Aquash's family have expressed frustration that the Canadian government has done little to support them in their three decade long call for justice. Anna Mae Aquash's daughters, Denise and

[90] Ibid. p. 6-14.
[91] Aboriginal Justice Inquiry of Manitoba, Supra, footnote 1.
[92] Concluding Observations of the Human Rights Committee: Canada, CCPR/C/79/Add.105, 07/04/99, para. 8.
[93] Concluding Observations of the Committee on Economic, Social and Cultural Rights: Canada, Supra, footnote 3, para. 43.
[94] Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada, A/57/18, 01/11/2002, para. 329.
[95] Concluding Observations of the Committee on the Rights of the Child: Canada, Supra, footnote 63, para. 59.
[96] Concluding Observations of the Human Rights Committee: Canada, Supra, footnote 92, para. 8.
[97] Concluding Observations of the Committee on the Elimination of Discrimination against Women, A/58/38, 28th Session, 13-31 January, 2003, para. 361.
[98] While this report was being prepared, charges were brought against two former members of AIM in the killing of Anna Mae Aquash. One man was convicted of murder on February 4, 2004. As of October 2004, the second many was awaiting a hearing to determine whether he will be deported from Canada to stand trial in the US. Both men say they are innocent.

Deborah Maloney say they have sent several letters to all levels of the Canadian government but the only response they have ever received was a standard acknowledgement of receipt of their letters. Denise Maloney says, "Any direct contact from any Canadian authorities would be nice. The level of apathy from governmental authorities surrounding my mother's case is disturbing and insulting."

The case studies that follow illustrate some of the patterns of violence that threaten the lives of Indigenous women in Canadian towns and cities. Concrete measures that would reduce Indigenous women's vulnerability to such violence have already been clearly identified by Indigenous women's organizations and by official inquiries and commissions. What remains is for Canadian officials to acknowledge the seriousness of the problem and to commit themselves to immediate action.

IV. Nine Stolen Sisters: Case studies of discrimination and violence against Indigenous women in Canada

As has been noted above, no one knows how many Indigenous women have been murdered or gone missing in Canada over the past three decades. The information that would make it possible to answer that question is simply not available. In Amnesty International's research we have spoken with many women who have experienced violence firsthand, we have interviewed family and friends of women who have been killed or gone missing, and we have talked to front-line organizations who work on a daily basis with Indigenous women who are coping with violence.

The following nine cases have been selected because they represent common themes that have emerged in the course of Amnesty International's research. They have been chosen because they reflect the variety of factors that appear to put Indigenous women at heightened risk. The root causes of discrimination and violence are often complex and are invariably inter-connected. In some instances it is quite clear that Indigenous women are either attacked by individuals or inadequately protected by authorities expressly because of their Indigenous identity. In some cases the Indigenous women who have gone missing or been killed have been working in the sex trade and may have had addictions to alcohol or drugs. All women in such circumstances, not only Indigenous women, face an increased risk of violence and discrimination. The risk that Indigenous women face in these circumstances is often exacerbated by racism and discrimination because of their Indigenous identity.

Amnesty International's research has also pointed to a variety of historical and current factors that have led a disproportionate number of Indigenous women into the sex trade, where they face that heightened risk. A number of the cases recounted in this report demonstrate, in human terms, the disturbing connections among past policies such as residential schools, societal discrimination against Indigenous people, involvement in the sex trade, and deadly violence.

These cases also represent two critical aspects of the reality of violence and discrimination against Indigenous women. In some instances the violence itself is racist and sexist. In other cases it may be the response from the police, other authorities, the media and the general public that is racist and sexist. In yet other cases it is both.

Amnesty International is concerned that all of these dimensions to the problem of violence against Indigenous women give rise to serious human rights concerns, be it racist violence, discriminatory responses to violence, or the consequences of the many discriminatory laws, policies and practices, past and present, that have led to the marginalization of Indigenous peoples in Canada. These cases all speak to the painful human cost of government failure to address those human rights concerns. All dimensions to the problem demand a response from governments across Canada. Yet the first case, a murder occurring more than thirty years ago which resulted in a provincial inquiry into the Manitoba justice system, is a stark reminder of the failure of governments to take adequate action to date.



An unheeded warning:
Helen Betty Osborne - murdered November 12, 1971

> There is one fundamental fact: her murder was a racist and sexist act. Betty Osborne would be alive today had she not been an Aboriginal woman.[99]

Helen Betty Osborne was born in Norway House, a Cree community at the northern end of Lake Winnipeg in the province of Manitoba. In 1969, at the age of 17, she left her community to pursue her education, with the dream of becoming a teacher and helping her people.

At the time, Indigenous children who wanted to graduate from high school had no choice but to leave their communities. The federal government, pursuing a policy of cultural assimilation -- and having decided that Indigenous communities offered no future for young people -- wanted Indigenous children to get their education in predominantly non-Indigenous towns and cities. In Norway House, the local school only provided the first eight of the twelve grades of public school.

For two years, Helen Betty Osborne attended the Guy Hill Residential School outside The Pas. Then in 1971 she moved into The Pas to attend high school.

A provincial justice commission, which would later examine the circumstances surrounding the murder of Helen Betty Osborne, described The Pas, a town of about 6000 people in 1971, as being sharply divided between Indigenous and non-Indigenous residents. "At the movie theatre, each group sat on its own side; in at least one of the bars, Indians were not allowed to sit in certain areas; and in the school lunch-room, the two groups, Aboriginal and non-Aboriginal, ate apart."[100]

According to the Manitoba Justice Inquiry, tensions between the two communities often turned violent, with police failing to intervene. There was also a pattern of sexual harassment of Indigenous women and girls. Police officers who testified before the Inquiry described "white youths cruising the town, attempting to pick up Aboriginal girls for drinking parties and for sex." The Inquiry found that the RCMP failed to check on the girls' safety. The Department of Indian Affairs also ignored the practice, failing to work with the schools to warn Indigenous students of the dangers.

On Friday, November 12, 1971, Helen Betty Osborne went out with a number of friends to a dance. At around 2 am, as she was walking back to house where she was billeted, she was accosted by four non-Indigenous men.

According to the testimony of one of the men, the four had decided to pick up an Indigenous woman for sex. When Osborne refused, they forced her into their car. In the car, she was beaten and sexually assaulted. She was then taken to a cabin owned by one of the men where she was beaten and stabbed to death. According to the autopsy report, she was severely beaten around the head and stabbed at least 50 times, possibly with a screwdriver.

Twenty years later, the Manitoba Justice Inquiry concluded that the murder of Helen Betty Osborne had been fuelled by racism and sexism:

> Women in our society live under a constant threat of violence. The death of Helen Betty Osborne was a brutal expression of that violence. She fell victim to vicious stereotypes born of ignorance and aggression when she was picked up by four drunken men looking for sex.[101]

The Inquiry also pointed out that the life of Helen Betty Osborne might have been saved if police had taken action on a pattern of threats to Indigenous women's safety that was already evident in 1971:

> We know that cruising for sex was a common practice in The Pas in 1971. We know too that young Aboriginal women, often underage, were the usual objects of the

[99] Report of the Aboriginal Justice Inquiry of Manitoba, Supra, footnote 1.
[100] Ibid.
[101] Ibid.

> practice. And we know that the RCMP did not feel that the practice necessitated any particular vigilance on its part.[102]

According to the Justice Inquiry, racism also marred the initial RCMP investigation. Helen Betty Osborne's Indigenous friends were initially treated as suspects. Teenagers were interviewed without the consent or knowledge of their parents. One of Helen Betty Osborne's friends was taken out into the bush to be interrogated. When she hesitated in answering a question, police threw her over the hood of their car. They later took her to the morgue to see her friend's mutilated body. In contrast, police initially failed to act on a tip naming the four non-Indigenous men responsible who took part in the abduction. The men's car was not searched until at least a year later and the Justice Inquiry noted that the car's owner was treated with extreme deference. Although police were eventually convinced that these four non-Indigenous men were responsible for the murder, unlike the Indigenous youths, they were not brought in for questioning.

By the end of 1972, the police concluded that they did not have enough evidence to go to trial. The case then lapsed for more than ten years until an officer placed an ad in the local paper asking for information on the case. This ad resulted in the discovery of new evidence on the basis of which the first charges were laid in October 1986. After these charges were laid, media coverage resulted in new information coming forward. Finally the first of the men charged agreed to testify in return for immunity from prosecution.

In December 1987, one of the four men, Dwayne Johnston, was sentenced to life imprisonment for the murder of Helen Betty Osborne. A second man was acquitted, while the other two men who were present during the abduction and murder were never charged.

The Justice Inquiry determined that the most important factor obstructing justice in this case was failure of members of the non-Indigenous community to bring forward evidence that would have assisted the investigation. The Inquiry concluded that the community's silence was at least partly motivated by racism. The question remains, however, why the police waited more than 10 years to publicly seek the assistance of the community.

Dwayne Johnston has been released from prison on parole. The family of Helen Betty Osborne has brought him into a traditional healing circle so that he can better understand the crime he committed. The family has since become convinced that Johnston, although responsible for a terrible crime, was not the principle instigator of the attack on Helen Betty Osborne.

The Manitoba Justice Inquiry put forward an extensive list of reforms to be undertaken to ensure that the justice system would provide Indigenous people the protection they needed and not contribute to further victimization. The recommendations were wide-ranging and required action from all levels of government. Recommendations included recognizing Indigenous peoples' right to self-government, establishing Indigenous legal systems, addressing outstanding land and resource disputes, recruiting more Indigenous police officers, ensuring independent procedures for investigation and resolution of complaints against police, establishing a special investigations unit to take control of the investigation of possible incidents of serious police misconduct, and increasing services to women escaping situations of violence. Amnesty International is of the view that adopting these recommendations in a manner consistent with international human rights standards would provide Indigenous women with greater protection from violence.

In a book published ten years after the Inquiry made its final report, one of the former Commissioners complained that the federal government had not undertaken any of the recommended reforms within its jurisdiction while the provincial government was still at the stage of studying which recommendations to implement.

> The Aboriginal Justice Inquiry made over 150 recommendations. Almost none of them have been acted upon. There is either the inability to understand the need for improvements or the same century-long governmental inertia. The result is clear; Aboriginal people

[102] Ibid.



> continue to suffer at the hands of an inappropriate justice system.[103]

In 1999, the provincial government convened the Aboriginal Justice Implementation Commission to examine the status of the Inquiry's recommendations. That Commission made a further set of recommendations to the provincial government.[104] Amnesty International was repeatedly told by Indigenous peoples' organizations, lawyers, frontline service groups and others that they believe that the pace of implementation of the recommendations continues to be unacceptably slow.

Not knowing
Shirley Lonethunder - missing since December 1991

> "I also can't help wondering what kind of reaction there would be if these young women were white? What kind of value do we place on human life?"[105]

Shirley Lonethunder, is a Cree woman and mother of two children, from White Bear First Nations reserve in Saskatchewan. In 1991 she was 25 years old and living in Saskatoon. Her family knew she used drugs. According to her brother, she also occasionally worked in the sex trade to make enough money "to get by" and provide for her children. In late November 1991, she told her mother, Doris Lonethunder, she would be starting university in the New Year and asked her to look after her infant son and daughter. She told her brother a different story. She said she had to get out of Saskatoon to avoid the police. The last time her family saw her was on December 20, 1991.

The Lonethunder family didn't realize Shirley Lonethunder was missing until March 1992 when they were contacted by her lawyer, who said she had missed a court date. Until then, her mother thought Shirley Lonethunder simply "went away somewhere." Now Doris Lonethunder began to fear for her daughter. She and her son filed a Missing Person report with the Saskatoon Police that same day

The Saskatoon Police Service's missing persons policy states that investigators have a responsibility to "liaise with complainants" and should request media assistance, if necessary, to help locate a missing person. According to Doris Lonethunder, the police investigator was in regular contact with her at first, phoning every week for approximately a month, then phoning every two weeks. However, the police did not make any public appeals for assistance on the case and the family members felt the police were not very supportive. After about three months, the investigator stopped phoning. Approximately six months after having filed a Missing Person report, Shirley Lonethunder's brother contacted the Saskatoon Police to enquire about any progress in the case. He says that he was told there was no record of the Missing Person report. Saskatoon police declined to answer Amnesty International's questions about unresolved cases, such as Shirley Lonethunder.

In 1992 Doris Lonethunder spoke to an Indigenous healer from the United States who told her that he had had a vision of Shirley's body at a location south of Saskatoon, a short distance beyond the city's limits and therefore in the jurisdiction of the RCMP. At first, Doris Lonethunder hesitated to take this information to the police because she thought the police, who did not believe in "Indian ways", would not take her seriously. In the end, she spoke with an Indigenous officer stationed at the local RCMP detachment, who responded sympathetically and said she would look into this information. About a week later, the officer was transferred, "And that," says Doris, "was it." As far she knows, nothing happened with the information she provided. While internationally-recognized policing standards would not obligate police to act on information of this sort, the sensitivity and understanding that Doris Lonethunder experienced when dealing with the Indigenous officer helped build her trust and confidence. When that disappeared, the trust and confidence slipped as well.

In October 1994, another woman's remains were discovered in the general area where Doris Lonethunder had asked the RCMP to search for her

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[103] A.C. Hamilton, *A Feather, Not a Gavel: Working towards Aboriginal Justice*, Great Plains Publications, Manitoba, 2001.
[104] The Aboriginal Justice Implementation Commission, Supra, footnote 82.
[105] Janice Acoose, *Iskwewak: Neither Indian Princesses Nor Easy Squaws*, Toronto, Women's Press, 1995.

daughter's body. By the end of the month, RCMP had unearthed two other women's bodies at the same site. The three women were Eva Taysup, Shelley Napope, and Calinda Waterhen. All three were Indigenous women who had been reported missing in 1992 and 1993.

On 12 April 1995, a local newspaper quoted an RCMP officer as stating that the force was considering excavating the grove where the three bodies had been found.[106] The officer indicated more bodies might be out at the site. In almost immediate response the RCMP issued a press release denying having any plans to excavate, stating that they had no indication there might be other bodies at the site.[107] Amnesty International has now been informed by the RCMP that there has been a recent search of the area conducted by the Saskatoon Police Service, including with the use of Ground Penetrating Radar, and that there are plans to search further.

In 1996, John Martin Crawford was convicted of murder in the killings of Eva Taysup, Shelley Napope, and Calinda Waterhen. He was the sole person charged and convicted. Crawford had previously served seven years in prison for abducting and murdering another Indigenous woman, Mary Jane Serloin, age 35, in 1981.

The body of another Indigenous woman, 37-year-old Janet Sylvestre, was found outside Saskatoon in 1994. She had been raped and killed. No one has ever been convicted in her murder.

Commenting on the apparent public apathy over the disappearances and murders of Indigenous women in Saskatoon in the early 1990s, Janice Acoose, a professor at the Saskatchewan Indian Federated College in Saskatoon wrote in 1996:

> I have waited in agonized and frustrated silence for some kind of expression of concern (perhaps even outrage) from members of the community, women's groups, or political organizations. To date, few, if any, have come forward and spoken to the nature of this heinous crime or the need to protect Indigenous women who were so obviously the target of this murderer. And perhaps, most importantly, I waited for someone to come forward and respectfully acknowledge the lives of these four women.[108]

Shirley Lonethunder's family is raising her children. They remain sure that something terrible has happened to her. There is nothing else that would explain the 13-year-absence of a woman who was so close to her family. Her mother says "not knowing is a hard thing to actually deal with." According to Doris Lonethunder, the Saskatoon police have not contacted her directly about her daughter in at least 10 years.

She deserved to be safe
Pamela Jean George - Murdered April 17, 1995

Pamela Jean George was a 28 year-old Saulteaux woman with two young daughters. She was close to her family at Sakimay First Nation, located in southeastern Saskatchewan. Struggling with poverty, Pamela George occasionally worked in the sex trade in Regina.

Professor Sherene Razack of the University of Toronto has carried out a detailed review of the transcripts of the trial of the two men who were eventually convicted of Pamela George's murder. The following details emerge from Professor Razack's review of those transcripts. [109]

On the evening of 17 April 1995, Pamela George agreed to get into a car driven by a 20-year-old white man, Steven Tyler Kummerfield. A second 20-year old, Alexander Dennis Ternowetsky, was hiding in

[106] "Grove may harbour more bodies," Saskatoon Star-Phoenix, April 12, 1995.
[107] Goulding, Supra, footnote 78, at p. 133.

[108] Acoose, Supra, footnote 105.
[109] Sherene Razack, Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George, in Sherene Razack, ed., *Race, Space and the Law: Unmapping a White Settler Society*, Toronto, Between the Lines. 2002, pp. 125-147. Amnesty International has also reviewed the lengthy appeal court decision in this case, *R v. Kummerfield and Ternowetsky*, 163 Sask. R. 257 (C.A.)

the trunk. Both men were university students. They had been drinking, and neither had money to pay her. Kummerfield drove the car to a field two miles past the outskirts of Regina. There, the two men forced her to perform oral sex. They then beat her severely and left her lying face down in the mud. Her body was discovered the next morning in a ditch.

Media reports suggest that the police investigation initially focused on other Indigenous people and people living on the street. One Indigenous man was reportedly interrogated four times. One or two weeks after the murder of Pamela George the Regina Police Service received a tip from a woman who said one of the killers had confided in a friend of hers. She was able to provide the names of Kummerfield and Ternowetsky, who were eventually charged with first-degree murder.

Testimony at the trial indicated that on the night of April 17th the two men tried to pick up another Indigenous woman before they encountered Pamela George. At the trial, that woman testified that she had refused to go with them and they hurled racial slurs at her, reportedly calling her "Indian trash" and "squaw slut."

After the men returned from beating Pamela George to death, they reportedly bragged to friends that they had picked up an "Indian hooker." Both men admitted hitting Pamela George, but said they doubted they had killed her. According to a friend who testified at the trial, Ternowetsky said, "She deserved it. She was an Indian."

The case was tried before a white judge and all-white jury. Little attention was given to the life of the victim, apart from her work in the sex trade. The Crown prosecutor told the jury that Pamela George lived a life far removed from theirs, and they would have to consider the fact that she was a prostitute as part of the case.[110] Mr. Justice Malone instructed jurors before their deliberations to bear in mind that Pamela George "indeed was a prostitute" when they considered whether or not she had consented to sexual activity.[111] The Court of Appeal decision briefly considered the prosecutor and Judge's comments and concluded they "were not made for the purpose of conveying a negative view of the victim to the jury."[112]

Amnesty International is concerned that comments of this nature may reflect social attitudes faced by sex workers in general, and Indigenous sex workers in particular. Professor Razack comments:

> [Not] only did George remain the "hooker" but [the two defendants] remained the boys who "did pretty darn stupid things'; their respective spaces, the places of white respectability and the Stroll simply stood in opposition to each other, dehistoricized and decontextualized. If Pamela George was a victim of violence, it was simply because she was of the Stroll/ reserve, Aboriginal, and engaging in prostitution. No one could then be really held accountable for her death.[113]

The two men were convicted of manslaughter, and sentenced to six and a half years in prison.

A police officer working in Regina at the time told Amnesty International recently that he had been "disgusted" by the verdict. In his opinion, some of the people involved in the investigation and prosecution of the case saw Pamela as a sex trade worker, not a human being. He felt the treatment of this case reflected this attitude from start to finish.

Taken from her family
Janet Henry - missing since June 28, 1997

Janet Henry comes from the KwaKwaQueWak Nation in Kingcome Inlet in British Columbia. She was the youngest in a family of thirteen. Her siblings have many happy memories of their childhood together. Although their mother fell ill with lupis and rheumatoid arthritis and had to undergo many operations, the older children were able to look after their younger siblings. Their father, a logger and fisherman, ensured that the family never went

[110] Razack, Ibid., pp. 145, 151.
[111] Ibid,. pp. 151-152.
[112] *R v. Kummerfield and Ternowetsky*, Supra, footnote 110, p. 297.
[113] Sherene Razack, Supra, footnote 109, pp. 145-146.

without. The eldest daughter, Donna Henry, recalls growing up immersed in a very rich culture. When Janet Henry was young, Donna Henry practiced traditional dances and songs with her.

The security the family once enjoyed was short lived. The three oldest children were taken away to residential school. After the death of their father, their mother no longer had anyone to help her care for the younger children. Janet Henry and four of her brothers and sisters were placed in foster homes.

One of Janet Henry's sisters, Sandra Gagnon, describes the break up of the family as the beginning of "a living nightmare." Many of the siblings lost both their ties to their culture and their sense of self-esteem. Their years in residential school or foster homes were followed by alcoholism and depression. Their sister Lavina was raped and murdered when she was 19. Another sibling killed himself.

In the midst of all the trauma the family had been subjected to, Sandra Gagnon remembers how they always expected that Janet would have a bright future ahead of her. "Janet was really a brilliant young woman," she said. "I never could have imagined what happened to her." Janet Henry graduated from high school and attended hairdressing school. She got married and had a daughter, to whom she was devoted.

However, when Janet Henry's marriage broke up in the late 1980s, her husband gained custody of their daughter. Janet Henry was devastated. Donna Henry recalls, "I watched my baby sister spiral." Janet Henry eventually ended up living in Vancouver's Downtown Eastside, a low income neighbourhood known for drug and the street level sex trades. Her family learned that she had begun attending parties where she engaged in sex in exchange for drugs.

It was a dangerous life. Violence against sex workers in the Downtown Eastside is all too common. By 1990, however, women in the Vancouver sex trade, and the families of women who had gone missing from the downtown Eastside, had begun to suspect that there was more to this danger than random acts of violence.

Janet Henry was apparently aware of the danger and therefore phoned her brothers and sisters frequently to let them know she was okay. The last time they heard from her was in late June 1997.

Janet Henry's family quickly became worried about her when her usual telephone contacts with them ceased. Sandra Gagnon and her brother went to the Downtown Eastside neighbourhood looking for her. After a few days, they reported her missing to the police. Because the small amount of money that Janet Henry had was still in her bank account, the family feared the worst.

Sandra Gagnon believes the police initially had one or two suspects in mind and did what they could to follow these leads. However, once these suspects were ruled out, she says the family heard less and less from the police. She speaks positively of the officers who initially investigated her sister's disappearance. However, like other family members whose sisters and daughters disappeared from the Downtown Eastside during this time, Sandra Gagnon feels the city and the police force should have acknowledged the wider pattern of disappearances much sooner and taken concerted action to ensure the safety of women in the Downtown Eastside. "They never took the threat seriously," she says. "I can guarantee you that if it wasn't the Downtown Eastside and they weren't hookers, something would have been done in an instant."

In April 1999 family members of missing women called on the police to issue a reward for information about the women who were going missing in the Downtown Eastside. Although police had recently offered rewards for information about robberies in more affluent neighbourhoods of the city, they initially declined to do so in the case of the missing women. Instead the city suggested offering a $5000 reward for any of the missing women who came forward, implying that they did not believe they had been victims of foul-play. Mayor Owen said, "Police have said there is no indication of crimes. Why don't we start with [the $5000 reward] until we find out that someone is killing these women?"[114]

Under mounting pressure from the families and increasing media coverage of the issue, the police

[114] Maggie de Vries, *Missing Sarah: A Vancouver Woman Remembers Her Vanished Sister*, Penguin Books Canada, 2003, p.234.

force eventually changed its position. The first posters offering a reward for information on the missing women were distributed in July 1999. A small group of officers was assigned to work on the disappearances on an ongoing basis. In 2000, the RCMP joined the review of evidence. A larger task force was formed the following year.

On 6 February 2002, the Vancouver City Police/RCMP Task Force moved into a farm in Port Coquitlam, outside Vancouver and sealed it off. For 21 months, they conducted one of the largest police searches in Canadian history. On the basis of evidence collected at the farm, the Crown initially laid charges against Robert Pickton, the owner of the farm, for the murder of 15 women who had gone missing from the Downtown Eastside, the vast majority of which were women who went missing after 1997.

Robert Pickton's case is expected to come to trial in 2005 or 2006 on at least 22 charges. In the meantime, the investigation of other women missing from the Downtown Eastside continues. By April 2004, the number of cases under investigation by police had grown to 60 women and one transgender person. Nineteen of the missing women are Indigenous.

Janet Henry is not among the women whose DNA has found at the Port Coquitlam farm. One of Janet Henry's sisters went through the clothing and other belongings found by police at the farm but didn't recognize anything of Henry's. Family members continue to hope that their sister is still alive, but are slowly giving up hope. "I go into denial and just keep hoping that maybe she just went far away and she has been unable to get a hold of us," said Donna Henry. But deep down inside, I know. We will probably never see her again."

"A daily part of life"
Sarah de Vries - missing April 14, 1998; confirmed dead August 6

> So many women, so many that I never even knew about, are missing in action. It's getting to be a daily part of life.[115]

Sarah de Vries was born on May 12, 1969. Sarah's mother was an Indigenous woman from the West Coast of Canada, who was also of European and African Canadian ancestry. Her father was an Indigenous man from Mexico. During the first year of her life, Sarah de Vries lived with her mother on weekends and with another family during the week. After ten months, her birth mother decided to give her up for adoption. She was adopted by a white couple in Vancouver.

Her adoptive family remembers Sarah de Vries being a bright and happy child who was always eager for the attention of her parents and her three siblings. She loved to write stories and poetry and kept a journal most of her life. She also loved to swim and some of her happiest times growing up were at a family cottage in Ontario.

"I remember her as being a very happy little girl, adventurous and very interested in the whole world around her," her sister Maggie de Vries recalls. "She was athletic, creative and loved to tell stories."

Despite these happy memories, Maggie de Vries feels that her sister may have missed out on the sense of stability or belonging that she craved and needed as a child. By the time Sarah de Vries was six, her parents' marriage was in difficulty. They separated when Sarah de Vries was nine and two the two older children stayed with their father while de Vries and her younger brother went to live with their mother.

At the same time Sarah de Vries was beginning to think of herself as an outsider between cultures. She was self conscious about the fact that she stood out within her family and within the almost exclusively white neighborhood where she lived. She also struggled to understand why her birth mother had given her up for adoption. Maggie de Vries remembers one time her sister cried for hours when a teacher asked her to draw up her family tree.

In her twenties, Sarah de Vries wrote in her journal:

> Man, I don't understand how the adoption agency could let a couple

[115] This 1995 quote from Sarah de Vries' journal and all other quotations are drawn from her letters and journals as quoted in de Vries, Ibid. and cannot be reproduced without permission from Sarah's family.

> that are both of the opposite colour as the child become this child's legal guardians. I understand that they were not as strict as they are today on things of race, gender and traditions. But, come on, did they honestly think that it would have absolutely no effect on my way of thinking or in the way I present my persona? I'm not accepted into the Caucasian social circle nor am I accepted in the black social circle, for I am neither white nor black... I'm stuck in the middle and outside both. I have no people. I have no nation and I am alone.

At other times de Vries wrote about how much she loved her adoptive family and how conflicted she was about them. She was caught shoplifting near the end of grade five and ran away for the first time shortly before her fourteenth birthday. Yet that summer, she wrote in the family cottage guest book, "I really love you a lot and I am so glad to have been adopted into this family ..." And that August she wrote in a letter to her sister,

> I really love you a lot, no matter how mean and nasty I am to you, and when I think how mean I was, I feel really bad, so I LOVE YOU. I wish I could tell Mom how unhappy I am, but I myself don't know. But I do know this. I love you and Mom so much that I start to cry when I think about you.

Over the following year, she ran away many times, often staying out for days at a time. Her parents would look for her but could not prevent her from running away again. She gravitated to downtown Vancouver where, still a child, she supported herself by selling sex.

She clearly struggled with a sense of dislocation and a need to define her identity. She felt lost between two worlds. On the street she found friends and a sense of community

Sarah de Vries began experimenting with drugs and gradually became addicted to heroin and later to cocaine. She also used crack cocaine. In one of her journal entries, she wrote: "Supporting a heroin and cocaine habit is not fun and games; you have to make the money. No money. No drugs. No drugs, you go sick. You go sick, forget trying to pull a trick."

Sarah de Vries kept coming home for brief periods of time until she was eighteen. She also spent time in group homes and in a youth detention centre. During her time on the streets, friends recall that she remained a kind and giving person. She would look out for younger girls, encouraging them to go home. She would also look after homeless people. Friends described her as having an effervescent personality that attracted many people to her.

In December, 1990, Sarah de Vries had her first child, a daughter, who was born addicted to heroin. The next year, 1991, she spent six months in prison. In May, 1996, she had her second child, a son. He was born addicted to heroin and cocaine and spent his first few months in foster care because neither Sarah de Vries nor social services informed de Vries' family about him. At about the same time that her son was born, Sarah de Vries discovered that she was HIV positive and that she had hepatitis C.

Sarah de Vries was aware that other women in the sex trade were dying violent deaths, from overdoses and physical violence. Or were going missing. In December 1995, she wrote in her journal:

> Am I next? Is he watching me now? Stalking me like a predator and its prey. Waiting, waiting for some perfect spot, time or my stupid mistake. How does one choose a victim? Good question, isn't it? If I knew that, I would never get snuffed.

However she could not overcome her drug habits or take other steps to get off the street. Toward the end of her life, she wrote,

> I've sentenced myself to life imprisonment, no chance of parole, no chance of release, no judge, no jury, no pre-sentence inquiry. ...I made this big, empty cold, senseless cell, escape proof. And, of course, I



> left no mistakes; in no part of my brilliant architectural plan is there a way for anybody to get in and realize who I really am, not that I know the answer to that question.

Sarah de Vries had a padlocked room in a small house in the downtown eastside where she lived and could keep her things. Having a room of her own and a stable address helped to keep her safe. But in the fall of 1997 she moved out. She had plans to find an apartment with her then boyfriend, but that didn't work out. She then ended up living in hotels, as she had done in her teens and early twenties.

Through all of it, Sarah de Vries maintained contact with her family. She visited her son once in foster care, before he moved back east to live with his grandmother. She saw her daughter every summer when her daughter came to Vancouver and had started drawing an alphabet colouring book for her. She also saw her sister regularly when her sister took her to doctor's appointments.

Sarah de Vries was last seen on April 14, 1998. A close friend tried to report her missing, but he alleges that the Vancouver police refused to take the report because he was not a family member. He contacted de Vries' sister, Maggie de Vries, who filed the report. Maggie de Vries says the police did not interview her about her sister's disappearance until 10 more days had passed.

Maggie de Vries recalls that individual police officers were helpful and clearly working hard to find out what happened to her sister. However, like other relatives of women who disappeared at this time in downtown Vancouver, she is frustrated that the police and the city took so long to acknowledge there was a larger pattern beyond the individual cases and to mobilize a coordinated investigation.

On August 6, 2002, the family was informed by the Task Force that Sarah de Vries' DNA had been found on the Port Coquitlam farm which has been at the centre of the joint Vancouver Police Department/RCMP Missing Women's Task Force investigation into the abduction and murder of women from the Downtown Eastside. As of September 2004, no charges had been laid in her murder. Robert Pickton is expected to come to trial in 2005 or 2006 on at least 22 charges of murder stemming from that investigation.

A target of racism?
Cynthia Louise Sanderson - killed August 30, 2002

Cynthia Louise Sanderson, a 24 year-old Cree mother of two children, lived in the small town of Shellbrook, near Prince Albert, Saskatchewan. She was the youngest of three children. She had her own house and worked part-time jobs but, according to her sister Linda Pechawis "she just got tired of struggling with money" and realized she needed an education to get fulltime employment. In 2002, she was accepted into the Universal Career College, a post-secondary training institution in Saskatoon, Saskatchewan. She moved in with her sister, bringing her four year-old daughter and leaving her seven year-old son in her mother's care since he was still in school.

Cynthia Sanderson started at Universal Career College in April 2002 with the goal of becoming a legal assistant. By June, her attendance was steadily declining. Finally, at the end of the month she talked to her instructor about her alcohol abuse. She admitted herself to a Saskatoon detox centre in July and then a rehabilitation centre at Ahtahkakoop First Nation in August. On August 25th she went to stay with her mother for a week.

On the evening of August 30, 2002, Cynthia Sanderson went out with a friend and her cousin in Prince Albert, 134 kilometres north of Saskatoon. Around 1 a.m. they got into a dispute with a white man, Anthony Barr, outside a bar. Accounts of what happened next vary. According to Sanderson's friends, Barr called out a racist insult. The trio swore back and kept walking. The man followed them in a truck. As Barr drove slowly beside them, they argued and exchanged racial slurs. Barr challenged the two men to a fight. He stopped the truck and got out, but when the two men moved toward him, Barr jumped back into his truck and drove ahead a short distance. After this happened a second time, Cynthia Sanderson apparently ran up to the driver's side of the truck. This time he didn't pull away. One of her friends testified that he heard Barr call her something like "Indian whore." Another said Barr propositioned her. Barr then grabbed Cynthia Sanderson by her jacket and drove away, dragging her alongside the

truck for up to fifteen feet. When she lost her balance, Barr let go, ran over her and sped away. Cynthia Sanderson was taken to hospital where she died as a result of her injuries shortly after 4 a.m.

When Barr returned to the bar later that night, a witness pointed him out to police and he was arrested. After Cynthia Sanderson's death, Barr was charged with criminal negligence causing death and leaving the scene of a crime. The Federation of Saskatchewan Indian Nations (FSIN), an Indigenous advocacy organization, called on the Crown prosecutor to charge Barr with a "hate crime." The prosecutor decided this case did not meet the criteria, but did elevate the charge to manslaughter. At trial, the judge acquitted Barr of the manslaughter charge and convicted him of dangerous driving causing death and failing to remain at the scene of a crime. Barr was sentenced to three years in prison.

Cynthia Sanderson's sister Linda Pechawis says that no one at the hospital tried to contact Sanderson's family while she was still alive. Cynthia Sanderson had contact information for her mother and sister in her day-planner, which she used as a purse. "She didn't have to die alone and scared," stated Pechawis. Cynthia Sanderson's two friends traveled to Shellbrook to contact her mother and take her to the hospital in Prince Albert but they were too late. Prince Albert police informed Amnesty International that a communications "screw up" had occurred between them and the Shellbrook RCMP. The Prince Albert police had contacted the RCMP, who were supposed to inform Sanderson's mother that her daughter had passed away, but she was not told this news. When she arrived at the hospital, she was expecting to find her daughter alive. A police investigator broke the bad news to her.

Linda Pechawis has filed a complaint against the Prince Albert Police Service through the Special Investigations Unit of the FSIN. She says that police officers did later apologize to her for mistakes the force made in the handling of the investigation. While she appreciated their candour, she questioned whether racist attitudes influenced not only the crime but also the police response. "They knew that they didn't do their job," Linda Pechawis told Amnesty International. "Sometimes I really think that her being Native could've been a reason. I hate to say that, but P.A. [Prince Albert], they say, is a pretty bad place for racism."

The Prince Albert Police Service told Amnesty International that there were "never any racist attitudes shown by police in any component of the investigation" and that the first two officers at the scene were "visible members of the First Nation community." An officer with the force, who clearly is concerned that Indigenous women do face high levels of violence, which he termed "cold, racist and sexist" and added that he hopes there will be "positive changes for a seriously at-risk group."[116]

Not a priority
Maxine Wapass - Missing May 17, 2002
confirmed dead in February, 2003

Maxine Wapass was a 23 year-old Cree woman who was very close to her large family. As a little girl, she was raised by her grandfather at Thunderchild First Nation in Saskatchewan. After he died in 1987, when Maxine was eight, she was raised by an aunt.

As a young adult Maxine Wapass stayed with her cousin Marilyn Wapass in Saskatoon but enjoyed returning to Thunderchild First Nation on holidays and whenever the opportunity arose to visit. "All of us tried to be together at Christmas, Easter, Thanksgiving, whenever we can eat, we all get together," said Marilyn Wapass.

Maxine Wapass had no children, but was close to her nieces and nephews. She was especially close to Marilyn Wapass' children; when her cousin was attending university or working, Maxine Wapass would baby-sit them. From Marilyn Wapass' point of view, her cousin helped raise her children.

On 17 May 2002, Maxine Wapass phoned her cousin at work about a trip to the reserve they were planning. Marilyn Wapass told her as soon as she got home from work, they would drive to Thunderchild. Marilyn Wapass recalled that she "wanted to get [Maxine] away from the city" because "she was getting into her drugs pretty bad."

When Marilyn Wapass got home from work, Maxine Wapass was not there. She did not call and she never

[116] Letter to Amnesty International from Prince Albert Police Service, August 30, 2004.

returned. Marilyn Wapass was not worried at first. She knew that her cousin had a lot of friends and she could end up anywhere. Maxine Wapass had talked about getting back together with an ex-boyfriend who lived at Little Pine First Nation so she assumed her cousin had gone to his reserve. Two weeks later, however, he phoned, and asked where Maxine Wapass was. Marilyn Wapass went to Thunderchild and told her mother and everyone else there that she had not seen Maxine Wapass in approximately two weeks. Her mother advised her to go to the police.

From the beginning, Marilyn Wapass says she felt that she and the lead investigator did not have a very good relationship. She was calling the police regularly to pass on information about her cousin and to ask for updates. She says she felt that the investigator "was getting tired of me calling and he had told me that this case wasn't his priority." When the investigator went on holidays, two other officers became involved. Marilyn Wapass felt more at ease: "I felt like they were really doing the best job that they could and they were going out on the street and they were interviewing people and they really wanted to solve the case." In August 2002, the two officers did a television interview about Maxine's disappearance. Shortly after the interview was aired, the lead investigator returned to work and the two other officers did not continue.

Marilyn asked a band councilor from the Thunderchild First Nation, Irma Horse, to be the family's contact with the police. Ms. Horse in turn contacted the Special Investigations Unit (SIU) at the Federation of Saskatchewan Indian Nations (FSIN), a provincial Indigenous advocacy organization, for assistance.

The family also took it upon themselves to try to obtain information about Maxine's disappearance. In the fall of 2002 they raised $5000 for a reward for information, and distributed posters in Saskatoon, throughout Saskatchewan, including reserves, and Alberta. The Thunderchild First Nation paid for newspaper ads in Saskatoon and Edmonton, Alberta.

In November 2002, Maxine Wapass' remains were found in a rural area 16 kilometres west of Saskatoon. The police confirmed her identity three months later, and informed the family on 6 February 2003. Due to the location of the remains, the RCMP became involved in the investigation. A RCMP representative came to Thunderchild and met with the family after the closed-casket funeral.

The FSIN's Senior Special Investigator agreed to liaise with the police on the family's behalf because they felt they were having difficult experiences with the police. He reviewed the file and determined that work was being done, but had not been conveyed to the family. He went to Thunderchild First Nation and met with the family, and later set up meetings between them and the police. He added that, once the family began meeting regularly with the police, some good information came forward from the reserve that the police would not have received if the communication lines had not been opened.

Thunderchild councilor Irma Horse believes that if the FSIN's Special Investigations Unit had not become involved, the case would not have gone anywhere. "Nothing was being done," she said.

In June 2003, the RCMP laid charges against Maxine Wapass's ex-boyfriend. The trial is schedule to commence in late November 2004. Saskatoon police declined to comment on this case, so as to not "jeopardize either the prosecution or the defence."

A family torn apart for the second time
Felicia Velvet Solomon - 16 years old - missing, March 25, 2003 confirmed dead in October, 2003

Felicia Solomon was born on July 21, 1986 at Norway House Cree Nation in northern Manitoba. She was the oldest of six children and a cousin of the late Helen Betty Osborne.[117]

As a teenager, Felicia Solomon lived with her family in Winnipeg where she attended high school. On the evening of March 25, 2003, the 16-year-old did not return home and did not call. Her mother says she phoned the police that evening and again the next day, but the police did not investigate.

On March 27th, Solomon's mother learned that her brother had died. Although she was worried that she had still not heard from her daughter, she felt she had

[117] See case study, Supra, at footnote 100.

to return to Norway House for her brother's funeral. She returned to Winnipeg early on the morning of March 30th and called the police right away. The police did not come to her home until 1:00 a.m that night. She describes the officers as being inattentive, laughing and acting rudely. The officers filled out a missing person report at that time but told her that according to policy they would have to wait 48 hours before they could do anything.

A Winnipeg police spokesperson has told Amnesty that the force responds to missing persons reports based on an assessment of the risk to the missing person and does not have a policy of waiting 48 hours, as many in the public believe. Nonetheless, the family ended up making their own missing persons posters and began putting them up all over Winnipeg. They say they received no help from the police and that the police made no effort to publicize the disappearance. According to the family, the police simply told them "to keep looking around for her."

A little over a month after Felicia Solomon disappeared, the family contacted their Chief and Council at Norway House. One of the councilors, Mike Muswegon, contacted Child Find, a national non-governmental organization based in Winnipeg, which agreed to produce posters. Muswagon also contacted the Assembly of Manitoba Chiefs, the political body representing First Nations in Manitoba, and arranged a press conference.

On June 11th 2003 Winnipeg police river patrol officers found a severed thigh near the water's edge. On June 16th, a man who was walking along the north bank of the river spotted an arm that was severed near the shoulder. In October, DNA testing confirmed that the body parts were those of Felicia Solomon. The rest of her remains were never found. As of August 2004, the crime had not been solved.

Felicia Solomon's family remains frustrated by the attitudes of the police. The family believes they were treated differently than non-Indigenous people would have been. One of the family members commented, "When we listened to the news, when something happened to someone else's child, whether they are white or from any other kind of race or culture, they do everything. It's completely different when an Indian person goes missing. We see that."

Family members also take issue with the stated reluctance of the police they met with to take action as soon as Felicia Solomon's disappearance was reported to them. "In our culture, when a child is missing, you automatically look for that child. Especially when you know your child and you know that they phone." Solomon's mother knew her child. "We shouldn't have to had to wait 48 hours."

Felicia Solomon's grandmother complained that after the family's press conference the media had unfairly labeled her granddaughter a prostitute and gang member because the family was poor and because of the part of the city they live in. She feels that the police inaction was also influenced by these assumptions. "Just because our daughter was on welfare and she lived on the west side doesn't mean that Felicia was a prostitute, or a gang member or that she was a druggie. You know, they label Aboriginal people right away. That's the part that we didn't like and I can't say anything positive about the police because they were no help. We didn't get help. We still don't get help."

Unanswered questions
Moira Louise Erb - missing August 2, 2003; found dead September 17, 2003

Moira Erb was born Marilyn Latender at the Fort Alexander First Nation in Manitoba; she was taken away from her birth mother by a social service agency when she was one year old. Her sister Patsy Fontaine remembered being 7 years old in 1978 and carrying her baby sister out to the car that would take her to a foster family. She did not see Moira Erb again until they were reunited about twenty years later.

Just before she turned two, Moira Erb was adopted into a farm family who had two children of their own. She ran away from home at the age of 16. She passed through a series of youth centres and group homes before ending up living on the streets in Vancouver, where she got involved with illegal drugs and the sex trade. She eventually had a child and later got married. The marriage did not work out. When she left her husband, she started using heavy drugs again. She entered into a relationship with a man with whom she had two sons. This relationship also did not work out and Moira returned to the sex trade. She eventually returned to Manitoba.

A health worker who befriended Moira Erb in Winnipeg described her as "funny, smart, honest and generous." She loved her children and would try to send them a small amount of money whenever she could. Erb's friend said that her heart was breaking because she couldn't be a parent to her children all of the time. However, Moira Erb was also very sick. She had tested positive for HIV/AIDS but her drug addictions were interfering with her taking her medications.

In June, 2003, Moira Erb's daughter came to Winnipeg for a visit and stayed with Erb's father at his farm. Her two sons were also brought to the farm for a brief visit that month. Erb made a promise to get off drugs so that she could see her children more often. She ended up staying off drugs for the month of July and told a friend that she was applying to go back to school.

Moira Erb went missing on August 2, 2003. She told her roommate that she was going to go next door. Then she apparently asked a neighbour to take her downtown. Her roommate looked for her but couldn't find anyone who had seen her. Erb's roommate reported her missing a week later.

On September 17, 2003, Moira Erb's badly decomposed remains were found in a rural area north of the Winnipeg airport near train tracks. The police concluded that her injuries were consistent with being struck by a train. Police do not suspect foul play.

Patsy Lafontaine does not believe that is how it happened. Moira Erb's father also has his doubts. Both point to the isolated location. Both point to the fact that Erb's body was found without any shoes. Both ask: Who took her there? Why? What did they do to her?

Moira Erb's father last had a brief phone message from the RCMP in late January 2004 indicating the investigation was ongoing but providing no updates. Patsy Lafontaine has never heard from the police. Knowing some of the rough neighbourhoods her sister sometimes worked in Patsy Lafontaine has gone to those places herself, and "sat at the corner" to ask questions. She does not believe the police have followed those same leads. In September 2004 the RCMP informed Amnesty International that the case had been "meticulously investigated" and the conclusion reached was that "Ms. Erb died tragically as the result of being struck by a train." The family has no details of the specific findings of any such investigation and continues to have unanswered questions about Moira Erb's death.

V. Conclusions and Recommendations

No one should suffer the grief of having a sister, mother or daughter suddenly disappear never to be seen again. No one should have to live in fear that they will be the next woman or girl to go missing.

Canadian officials have a clear and inescapable obligation to ensure the safety of Indigenous women, to bring those responsible for attacks against them to justice, and to address the deeper problems of marginalization, dispossession and impoverishment that have placed so many Indigenous women in harm's way.

All levels of government in Canada should work urgently and closely with Indigenous peoples' organizations, and Indigenous women in particular, to institute plans of action to stop violence against Indigenous women. The following platform for action is based on the recommendations made by the families of missing women, frontline organizations working for Indigenous women's welfare and safety, and official government inquiries and commissions, as well as standard interpretations of the human rights obligations of governments.

1. Acknowledge the seriousness of the problem

All levels of government, including Indigenous governance structures, should:

-publicly condemn the high rates of violence against Indigenous women – whether within Indigenous communities and society as whole -- and make public their plans to address the crisis.

-undertake a review of outstanding recommendations from Canadian commissions, inquiries and inquests pertaining to the safety and welfare of Indigenous people with a view to ensuring their timely implementation.

- clearly outline the measures taken to address the problem of violence against Indigenous women in Canada in reports to relevant UN human rights bodies, including the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee.

2. Support research into the extent and causes of violence against Indigenous women

The federal government should ensure adequate funding for comprehensive national research on violence against Indigenous women, including the creation of a national registry to collect and analyze statistical information from all jurisdictions.

In consultation with Indigenous peoples' organizations and organizations representing ethnic minorities, protocols should be developed to ensure that police consistently record and appropriately use data on the ethnicity of the victims and perpetrators of violent crimes.

The federal government should request the United Nations' Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and Special Rapporteur on violence against women, its causes and consequences, to jointly study and document patterns of violence against Indigenous women, including in Canada.

3. Take immediate action to protect women at greatest risk

Federal, provincial and territorial governments should ensure adequate, sustained, multi-year funding to ensure the provision of culturally appropriate services such as shelters and counseling for Indigenous women and girls.

Police should work closely with Indigenous women's organizations and other frontline groups to identify and implement appropriate and effective protocols for action on missing persons cases, with a view to developing standards for police response in keeping with the risks to Indigenous women and girls.

Police forces should provide specialized staffing to review and coordinate responses to missing persons cases.

As part of ongoing review and implementation of laws regarding the sex trade in Canada, give police clear instructions to ensure that the fundamental rights of women involved in the sex trade are protected in the course of all law enforcement activities.



4. Provide training and resources for police to make prevention of violence against Indigenous women a genuine priority

All police officers should receive adequate training to ensure an understanding of violence against women in a range of settings including family violence, child sexual exploitation and violence against women in the sex trade.

The scenarios used in police training should incorporate issues of cultural sensitivity and violence against women.

Meetings with Indigenous women leaders and other community members should be organized to build understanding of the specific risks to Indigenous women in Canadian society and establish and strengthen relationships of trust between police and Indigenous communities.

All police departments should review issues of workload, staffing levels and job rotation to ensure officers have the opportunity to become familiar with and can develop relations of trust with the specific communities they are intended to serve and protect.

The actions of police, including compliance with policies on the investigation of missing persons cases, should be subject to independent civilian oversight.

Funding should also be provided for the creation of independent advocates and liaison workers for Indigenous people in contact with police.

Officers found to have failed to act on reports of missing women, or to have carried out biased or inadequate investigation of violence against women, should be subject to appropriate discipline.

Clear polices and practices should be established with respect to the timely provision of information, including autopsy results and coroners reports, to the families of missing and murdered persons.

5. Address the social and economic factors that lead to Indigenous women's extreme vulnerability to violence

The federal government should provide adequate, sustained, multi-year funding for initiatives to deal with the immediate and intergenerational impacts of both the physical and psychological abuse suffered at residential schools, including the loss of cultural identity.

Federal, provincial and municipal governments should subject all social programs to a periodic review to ensure the accessibility and resourcing of programs for Indigenous women and families is at least on a par with those available to non-Indigenous people in Canada.

Federal and provincial governments, with the full participation of Indigenous women, should organize a high level intergovernmental and interdepartmental meeting to ensure proper coordination and information sharing on initiatives to address the safety and welfare of Indigenous women and girls.

In collaboration with Indigenous representatives and organizations, the federal government should take urgent action to address the chronic unemployment and poverty faced by Indigenous women and men both on and off reserve.

The federal government should commit to fully implementing outstanding recommendations of the Royal Commission on Aboriginal Peoples which address poverty and social marginalization of Indigenous people in Canada, as has repeatedly been urged by United Nations treaty bodies.

6. End the marginalization on Indigenous women in Canadian society

All levels of government should work with Indigenous peoples to strengthen and expand public education programs, including within the formal school system, that acknowledge and address the history of dispossession and marginalization of Indigenous peoples and the present reality of racism in Canadian society.

All levels of government should adopt such measures as are necessary to ensure that Indigenous women are consulted in the formulation and implementation of any policy that could affect their welfare and status.


STOP
VIOLENCE
AGAINST
WOMEN