

Summary of Findings Human Rights Watch's Research in Northern British Columbia and Saskatchewan

I. "Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada" Report released in February 2013

On December 5, 2012, a man walking his dog found the murdered body of 16-year-old Summer Star (C.J.) Fowler in a ravine near the British Columbia (BC) town of Kamloops.¹ The Gitanmaax² teenager from Hazelton in northern BC, remembered as a sweet girl with a beautiful smile by her family, had been visiting friends a few days previously and was just hours away from taking a bus back home when she disappeared and was ultimately killed in circumstances still under investigation by police.³ Speaking at a news conference, her father said, "We would just like to stop this violence ... We want some answers and we don't want this case to be another they stick under the rug."⁴

C.J. Fowler is just one of several hundred indigenous women and girls who have been murdered or gone missing across Canada over the last several decades. By the time government funding for data collection on missing and murdered indigenous women and girls ended in 2010, the Native Women's Association of Canada (NWAC) had documented 582 such cases nationally. Many happened between the 1960s and the 1990s, but 39 percent occurred after 2000, or about 20 a year. If women and girls in the general Canadian population had gone missing or been murdered at the same rate, NWAC estimates the country would have lost 18,000 Canadian women and girls since the late 1970s.

The province of British Columbia has been particularly badly affected by violence against indigenous women and girls and by the failure of Canadian law enforcement authorities to deal with the phenomenon. Cutting through the small communities policed by the Royal Canadian Mounted Police (RCMP) in northern BC is the Highway of Tears, a 724-kilometer stretch of road which has become infamous for the dozens of women and girls who have gone missing or been murdered in its vicinity.

¹ "National chief keeps up calls for inquiry after aboriginal B.C. teen's murder," Canadian Press, December 9, 2012, <http://www.globaltvbc.com/national+chief+keeps+up+calls+for+inquiry+after+aboriginal+bc+teens+murder/6442768931/story.html> (accessed December 17, 2012).

² Fowler was from the Gitanmaax First Nation, an indigenous community in northern British Columbia.

³ "Funeral for slain First Nations teen Thursday," *CBC News*, December 20, 2012, <http://www.cbc.ca/news/canada/british-columbia/story/2012/12/20/bc-cj-fowler-kamloops.html> (accessed January 2, 2013).

⁴ John Colebourn, "Grieving parents of murdered teen appeal for witnesses to come forward," *The Province*, December 12, 2012, <http://www.theprovince.com/news/Grieving+parents+murdered+teen+appeal+witnesses+come+forward/7690642/story.html#ixzz2GqgcVoFv> (accessed January 2, 2013).

The high rates of violence against indigenous women and girls have drawn widespread expressions of concern from national and international human rights authorities, which have repeatedly called for Canada to address the problem. But these calls for action have not produced sufficient change and indigenous women and girls continue to go missing or be murdered in unacceptably large numbers.

The failure of law enforcement authorities to deal effectively with the problem of missing and murdered indigenous women and girls in Canada is just one element of the dysfunctional relationship between the Canadian police and indigenous communities. This report addresses the relationship between the RCMP and indigenous women and girls in northern BC and documents not only how indigenous women and girls are under-protected by the police but also how some have been the objects of outright police abuse. The report further documents the shortcomings of available oversight mechanisms designed to provide accountability for police misconduct and failure to protect.

In ten towns across the north, Human Rights Watch documented RCMP violations of the rights of indigenous women and girls: young girls pepper-sprayed and Tasered; a 12-year-old girl attacked by a police dog; a 17-year-old punched repeatedly by an officer who had been called to help her; women strip-searched by male officers; and women injured due to excessive force used during arrest.

Human Rights Watch heard disturbing allegations of rape and sexual assault by RCMP officers, including from a woman who described how in July 2012 police officers took her outside of town, raped her, and threatened to kill her if she told anyone. Human Rights Watch strongly urges an independent civilian-led investigation of these allegations with the aim of achieving criminal accountability for the alleged crimes. Human Rights Watch would eagerly cooperate with such an investigation to the extent we are able to without compromising the safety and privacy of victims.

For many indigenous women and girls interviewed for this report, abuses and other indignities visited on them by the police have come to define their relationship with law enforcement. At times the physical abuse was accompanied by verbal racist or sexist abuse. Concerns about police harassment led some women – including respected community leaders – to limit their time in public places where they might come into contact with officers. The situations documented in this report – such as a girl restrained with handcuffs tight enough to break her skin, detainees who had food thrown at them in their cells, a detainee whose need for medical treatment was ignored – raise serious concerns about tactics used in policing of indigenous communities in BC and about the police's regard for the wellbeing and dignity of indigenous women and girls.

Incidents of police abuse of indigenous women and girls are compounded by the widely perceived failure of the police to protect women and girls from violence. Not surprisingly, indigenous women and girls report having little faith that police forces responsible for mistreatment and abuse can offer them protection when they face violence in the wider community. As a community service provider told Human Rights Watch, "The most apparent thing to me is the lack of safety women feel. A lot of women, especially First Nations women we see, never feel safe approaching the RCMP because of the injustices they've experienced...The system is really failing women."

One aspect of this is the apparent apathy of police towards the disappearances and murders of indigenous women and girls that has been such a persistent and well publicized stain on Canada's human rights record. Less well-publicized but equally pernicious have been the shortcomings of the police in their response to domestic violence.

The RCMP has instituted progressive policies addressing violence in domestic relationships, but it appears the police do not apply those policies consistently when policing in indigenous communities. According to survivors of domestic violence and the community service providers who work with them, indigenous women and girls often do not get the protection afforded by these policies. Women who call the police for help may find themselves blamed for the abuse, are at times shamed for alcohol or substance use, and risk arrest for actions taken in self-defense. Similarly, despite policies requiring active investigation of all reports of missing persons, some family members and service providers who had made calls to police to report missing persons said the police failed to promptly investigate the reports.

When they experience abuse at the hands of the police or when the police fail to provide adequate protection, women and girls have limited recourse. They can lodge a complaint with the Commission for Public Complaints against the RCMP, but the process is time consuming and the investigation of the complaint will likely fall to the RCMP itself or an external police force. Fear of retaliation from police runs high in the north, and the apparent lack of genuine accountability for police abuse adds to long-standing tensions between the police and indigenous communities. The title of this report “Those Who Take Us Away,” is a literal translation of the word for police in Carrier, the language of a number of indigenous communities in northern BC.

The Independent Investigations Office (IIO), a recently established provincial mechanism for civilian investigation of police misconduct, offers some promise, but most complaints will fall outside the office’s mandate, which is limited to incidents involving death or certain serious bodily injuries. The exclusion of rape and sexual abuse from this definition represents an unacceptable discriminatory omission on the part of the provincial legislature. It sends a loud message that assaults on women are not important.

Canada has strong legal protections around violence against women and the federal and provincial governments have made some attempts to address murders and disappearances of indigenous women through studies, taskforces, and limited funding initiatives. However, the persistence of the violence indicates a need for deeper, coordinated interventions to address the systemic nature of the problem.

II. “Submission to the Government of Canada on Police Abuse of Indigenous Women in Saskatchewan and Failures to Protect Indigenous Women from Violence”
Report released in June 2017

In Saskatchewan, as in Northern British Columbia, Human Rights Watch found evidence of a fractured relationship between law enforcement and Indigenous communities. The legacy of settler colonialism and racist assimilation policies—particularly the residential school system—still overshadow the present-day dynamics between police and Indigenous communities. Residential schools, which the Canadian government operated up until 1994, along with the Catholic Church, forcibly removed Indigenous children and youth from their communities, severing connections to their kinship networks and family, language, and culture. Many Indigenous children and youth in residential schools were also subjected to severe psychological and sexual abuse while in these facilities.⁵ The RCMP was actively involved and complicit in

5 Truth and Reconciliation Commission, Canada’s Residential Schools: The History, Part 2 1939-2000 The Final Report of the Truth and Reconciliation Commission of Canada, Vol 1, Part 2 (2015),

ensuring that Indigenous children attended these schools. This historical context fuels the strong mistrust, suspicion, and resentment many Indigenous people continue to feel towards law enforcement.

In addition to this colonial backdrop, more recent policing failures, and violent policing practices in the present, have continued to fuel Indigenous communities' fear and resentment of the police in many locations in Canada.

These past and more recent policing failures contribute to a climate of suspicion and a widely-held belief that the police targets and discriminates against Indigenous men and women with little accountability for violent and racist conduct. Indigenous women told Human Rights Watch that they would not call the police to report a crime committed against them or crimes that they had witnessed involving an Indigenous woman out of fear that the police may harass them, engage in physical violence towards the suspect, or take them on a "starlight tour." Lauren T. said, "I have concerns about calling the cops. Even where I was working at [store name withheld] we had some incidents, but I was iffy on calling the cops."⁶

An Indigenous woman community leader in Saskatchewan echoed these views, telling Human Rights Watch: "I have had problems with stalking, but [I] don't trust the police. Professionally, I admit this [working with the police] is what we must do, but personally I have zero faith in the police. It doesn't matter what position or how many degrees we have. By the police services we're seen as just another Indian."⁷ Concerns about police harassment led this community leader to limit her time in public places where she might encounter police officers. "We become as invisible as possible," she told Human Rights Watch.⁸

Indigenous women's accounts of police abuse in Saskatchewan raise serious concerns about their safety in the province. Our research is based on six weeks of fact-finding in Saskatchewan between January and July 2016. Human Rights Watch interviewed 64 Indigenous women as well as service providers in Prince Albert, Regina, Saskatoon, and several smaller communities in northern and central Saskatchewan. Human Rights Watch documented Indigenous women's accounts of police neglect when they reported domestic violence, as well as inappropriate and invasive body and strip searches, sexual harassment, and physical assault. Indigenous women reported a deep mistrust of law enforcement and fear that they would face retaliation if they filed a complaint against a police officer.

Indigenous women throughout Saskatchewan told Human Rights Watch that they would not report a crime against them or a crime involving an Indigenous woman that they had witnessed out of fear that the police might retaliate by harassing them or by treating an Indigenous suspect with physical violence.

Concerns about police harassment led some Indigenous women in Saskatchewan, including respected community leaders, to limit their time in public places where they might encounter police officers. This breakdown of trust between Indigenous women and law enforcement is particularly dangerous for victims of violence and those at risk who may be hesitant or fearful to call on the authorities for help.

http://www.myrobust.com/websites/trcinstitution/File/Reports/Volume_1_History_Part_2_English_Web.pdf (accessed March 4, 2017) [TRC, Vol 1].

⁶ Human Rights Watch interview with Lauren T., First Nation Reserve, March 22, 2016.

⁷ An Indigenous community leader (name withheld), Regina, January 27, 2016.

⁸ An Indigenous community leader (name withheld), Regina, January 27, 2016.

Many Indigenous women interviewed said they believe that the police abuse they experienced reflects ongoing racial bias against the Indigenous community in Saskatchewan. Canada has made only limited progress to ensure that police are accountable for their policing failures, Human Rights Watch found. Lack of accountability for policing abuses against Indigenous women exacerbates long-standing tensions between police and Indigenous communities in Canada.

Exhibit: National Inquiry into Missing and Murdered Indigenous Women and Girls		
Location/Phase: <u>Part 3: Toronto</u>		
Witness: <u>Farida Deif</u>		
Submitted by: <u>Meredith Porter, Commission</u>		
Add'l info: <u>P03 P03 P0201</u>		
Date: <u>JUN 12 2018</u>		
Initials	I/D	Entered
<div>53</div>	<div></div>	<div>27</div>