



**“How many more sisters and daughters do we have to lose?” — Canada’s continued failure to address discrimination and violence against Indigenous women**

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"Families like mine all over Canada are wondering how many more sisters and daughters we have to lose before real government action is taken." – Darlene Osborne, speaking at the launch of the October 2004 Amnesty International report, *Stolen Sisters*. Darlene Osborne's cousin Helen Betty Osborne was murdered in 1971. Her 16-year-old niece Felicia Solomon was murdered in 2003.<sup>1</sup>

Canada is not doing enough to stop violence against Indigenous women and girls.

In October 2004, Amnesty International released a report titled *Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada*. The report linked high levels of violence experienced by Indigenous women and girls across Canada to deeply rooted patterns of marginalisation and discrimination. This discrimination has put large numbers of Indigenous women and girls in situations of heightened vulnerability to violence, helped fuel violent acts of hatred against them, and denied Indigenous women and girls adequate protection of the law and of society as a whole.

The *Stolen Sisters* report also noted that similar concerns have been repeatedly brought to the attention of Canadian officials by Indigenous peoples' organizations and by official inquiries. While not every act of criminal violence can be prevented, international human rights laws and standards require states to take all reasonable measures to ensure the safety of all members of society. Despite repeated warnings, Canadian officials have not lived up to this responsibility. Indigenous families across Canada have suffered the tragic consequences.

Amnesty International welcomes the fact that federal and provincial governments have responded to the *Stolen Sisters* report by publicly acknowledging the seriousness of the threats faced by Indigenous women and girls, including in a statement to the UN General Assembly in November 2004. Since the release of our report, a number of initiatives have been announced to address aspects of the problem, including funding to the Native Women's Association of Canada and the Federation of Saskatchewan Indian Nations to carry out much needed research and analysis at the community level.

While these are important steps, the fact remains that there are still significant, unacceptable gaps in the protections afforded Indigenous women in Canada. Failure to consistently record whether or not the victims of violent crime are Indigenous

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<sup>1</sup> Both stories are told in Amnesty International's report *Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada* AMR 20/003/2004, 4 October 2004.

means that efforts to prevent violence against women are undermined by an incomplete understanding of the full extent and nature of the problem. Not enough is being done to ensure that police forces consistently respond swiftly and effectively when Indigenous families report a missing sister or daughter. And not enough is being done to ensure that Indigenous women and girls are not put in situations of extreme vulnerability in the first place.

### **Understanding the threats to Indigenous women and girls**

As part of its October 2005 review of Canada's compliance with the International Covenant on Civil and Political Rights, the United Nations Human Rights Committee asked the federal government to report on the numbers of Indigenous women who have been murdered or who have gone missing in Canada.<sup>2</sup> The government was not able to provide that information, because it does not exist.

While it is clear that Indigenous women and girls in Canada face a much higher risk of violence than other sectors of society, there are no complete or comprehensive statistics available on the full extent of violence against Indigenous women in the country. Police do not consistently inquire whether or not the victims of violent crime are Indigenous. Where this information is known to police, they may not include it in their reports or disclose the information to the public. For example, Project Kare, an RCMP task force investigating a series of murders and disappearances of women in Edmonton and northern Alberta, has declined to publicly state how many of these women are Indigenous.

A number of police officers have told Amnesty International that they do not pay particular attention to the ethnic identity of victims of violent crimes because to do so would open them up to accusations of being "racist". To the contrary, the failure of police to identify and make public the full extent to which Indigenous women are victims of violent attacks helps perpetuate a profound and dangerous form of discrimination by denying public officials, other police officers and Indigenous women themselves the information necessary to expose and prevent such violence. The UN Human Rights Committee has asked Canada to explain why this information is not systematically gathered.<sup>3</sup>

The federal government has recently committed \$5 million to the Native Women's Association of Canada to undertake work to prevent violence against Indigenous women, including collecting, analysing and making public information on patterns of violence against Indigenous women.<sup>4</sup> While Amnesty International welcomes support to independent research by Indigenous women, it is clear that such initiatives can only succeed if the government also provides clear direction to police to collect and make public the information needed to understand and prevent violence against Indigenous women.

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<sup>2</sup> *List of issues to be taken up in connection with the consideration of the fifth periodic report of Canada*, UN Human Rights Committee, CCPR/C/85/L/CAN, 25 July 1005, para.12.

<sup>3</sup> Question posed orally, United Nations Human Rights Committee, 85<sup>th</sup> Session, 18 October, 2005.

<sup>4</sup> Notably, a member of the UN Human Rights Committee questioned Canada about this level of funding, expressing concern that it was less than had been requested and appeared to be far below what is necessary to address such a serious and longstanding human rights concern, *Supra*, footnote 3..

## Ensuring effective police response

The fact that Canadian police do not consistently identify and make public the extent of violence against Indigenous women is indicative of an overall failure of the justice system to come to terms with the role of racism and discrimination in violence against Indigenous women.

Available statistics, although incomplete, clearly indicate that Indigenous women face a much higher risk of violence than all other women in Canada. 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 all other women of the same age to die as the result of violence.<sup>5</sup> Like violence against other women, violence against Indigenous women takes place in a wide range of circumstances, including family violence. There is significant evidence that suggests that in the case of Indigenous women, racist attitudes toward Indigenous peoples in general, along with specific racist and sexist stereotypes of Indigenous women, have contributed to this violence.

The Aboriginal Justice Inquiry of Manitoba, which examined how the justice system and society as a whole responded to the 1971 abduction and murder of Helen Betty Osborne, concluded that her murder “was a racist and sexist act” committed by men operating under the assumption that Indigenous women are “objects with no human value beyond sexual gratification.” Furthermore, the inquiry linked her murder to a larger pattern of white men in the town of The Pas sexually preying upon young Indigenous women, a pattern that the inquiry concluded local RCMP had been aware of but did not feel “necessitated any particular vigilance.”<sup>6</sup>

Many of the incidents of attacks on Indigenous women and girls referred to in the Stolen Sisters report reveal that racism and violence are frequently linked. It is alarming therefore that many police officers Amnesty International has spoken with since the release of our report continue to deny that risks to Indigenous women and girls require any particular vigilance on the part of the police.

When the families and friends of missing Indigenous women and girls seek the assistance of police, some receive the immediate and professional response appropriate to their concerns while others report being dismissed with speculation about where their friend or daughter might be. The Stolen Sisters report noted that high level government inquiries have repeatedly stressed the need to improve police understanding of and accountability toward the Indigenous communities they serve. Amnesty International has called upon all police forces to work with Indigenous peoples’ organizations to put in place appropriate training and protocols to ensure that Indigenous families can count on the police to take effective action when their loved ones are in danger.

We note that some police forces are in an ongoing process of trying to build relationships with Indigenous communities. Some important steps have been taken over the past year. In May 2005, the Saskatchewan Government issued a plan of action in response to a provincial inquiry into the treatment of Indigenous peoples by

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<sup>5</sup> Aboriginal Women: A Demographic, Social and Economic Profile, Indian and Northern Affairs Canada, Summer 1996.

<sup>6</sup> 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.

the justice system. The plan of action included, among other things, increased recruitment of Indigenous police officers, and creation of a new independent police complaints commission that will provide oversight and investigation of all municipal police forces in the province and directly involve Indigenous peoples in its investigative function.<sup>7</sup>

The fact remains, however, that many police forces do not have specialized missing persons units and very few have specific protocols to give officers guidance in responding to concerns from Indigenous families. The federal government, while acknowledging the threats faced by Indigenous women, has been all but silent on the policing dimensions of this concern. The UN Human Rights Committee has asked Canada to explain what is being done to ensure that such protocols are in fact developed and adopted.<sup>8</sup>

### **Helping Indigenous women and girls escape from harm's way**

In the report of his 2004 mission to Canada, the UN Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people noted an "impressive number of programmes and projects and considerable financial resources" devoted to closing "the unacceptable gaps between Aboriginal Canadians and the rest of the population in educational attainment, employment and access to basic social services."<sup>9</sup> Yet despite the number of programs in place, more of which have been announced since the launch of the Stolen Sisters report, serious gaps remain in the provisions of services needed to prevent violence and to assist women and girls escape dangerous situations.

Under-funding of child and family services in Indigenous communities has meant a woeful lack of programs to prevent family violence. Many Indigenous communities do not have shelters for Indigenous women to escape violence. For instance there are only a handful of shelters among the 42 Indigenous communities in Quebec and these shelters are under-funded in relation to those offering similar services to women in other communities.

The shortage of adequate support services within Indigenous communities is a critical factor leading to growing numbers of Indigenous women and girls moving to Canadian urban centers. However while there may be more services available in urban settings, services intended for the general population may not be able to meet the specific needs of Indigenous women. Culturally-specific programs run by Indigenous peoples' organizations are typically under-funded and hampered by having to frequently reapply for funding. Despite the greatly disproportionate number of Indigenous women working in the sex trade, there are few programs specifically designed to assist Indigenous women and girls.

Recognizing the scale and seriousness of threats to Indigenous women's safety and well-being, it is critical that all levels of government work together, and in collaboration with Indigenous peoples' organizations, to identify the critical gaps in

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<sup>7</sup> Government of Saskatchewan. Creating a Healthy, Just, Prosperous and Safe Saskatchewan: A Response to the Commission on First Nations and Métis Peoples and Justice Reform, May 2005.

<sup>8</sup> *Supra*, footnote 3.

<sup>9</sup> Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen. Addendum: Mission to Canada. E/CN.4/2005/88/Add.3. 2 December 2004

services for Indigenous women and to ensure stable and secure funding to organizations able to meet these needs. This concern arose in the UN Human Rights Committee's review of Canada, where questions were asked as to what was being done to address the underlying social and economic problems that put Indigenous women in harm's way.<sup>10</sup>

## **Conclusion**

In the Stolen Sisters report, Amnesty International noted that violence against Indigenous women is carried out in a climate of public indifference to the welfare and safety of Indigenous women. It is our hope that this indifference will soon be a thing of the past. Indigenous and non-Indigenous communities have started to come together to honour the lives of Indigenous women and girls who have been murdered or gone missing in Canada – and to demand action. It is critical that Canadian officials listen to this demand for human rights.

Amnesty International continues to urge all levels of government to work closely with Indigenous peoples to established concrete, coordinated plans of action to stop violence against Indigenous women. Such plans of action must include measures to ensure that:

- reliable and comprehensive statistics are gathered as to the nature and scope of the violence;
- effective protocols for responding to reports of missing Indigenous women and cases of violence against Indigenous women are developed and implemented by police forces across Canada;
- adequate, sustained support is provided to organizations providing programs to assist Indigenous women and girls escape from harm.
- more is done to address the extreme social and economic marginalisation that places so many Indigenous women in harm's way.

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<sup>10</sup> *Supra*, footnote 3.