



Canada

STOLEN SISTERS Discrimination and Violence Against Indigenous Women in Canada

A Summary of Amnesty International's Concerns

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A Summary of Amnesty International's concerns

One Family, Three Decades, Two Murders

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 killed. 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

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.



Helen Betty Osborne. © Private (AI use)

Three decades later, on March 25, 2003, Felicia Solomon, a 16-year-old cousin of Helen Betty Osborne, failed to return home from school in Winnipeg, Manitoba. Felicia’s family says the Winnipeg police did not treat the case seriously when

they first reported Felicia missing. A Winnipeg police spokesperson told Amnesty International that the force responds to missing persons reports based on an assessment of the likely risk to the missing person and does not have a policy of waiting 48 hours for the person to turn up, as many in the public believe. However, the family says that the officers who took the report said they could not take action until another 48 hours had passed. The first posters seeking information on Felicia Solomon's disappearance were distributed by the family, not the police. A family member comments: "When something happens to someone else's child, whether they are white or from any other kind of race or culture, the police do everything. It's completely different when an Indian person goes missing." In June 2003, body parts were found that were later identified as Felicia Solomon's. Her killer has not been found.

The murders of Helen Betty Osborne and Felicia Solomon are two of the cases highlighted in a new report by Amnesty International – *Stolen Sisters: A human rights response to discrimination and violence against Indigenous women in Canada*.² These stories of missing and murdered Indigenous³ women and girls take place in three Western provinces of Canada over a

² The cases are included in the full version of this report.

³ 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.

period of three decades. The perpetrators, where known, include both intimate acquaintances and strangers. In some cases, the crimes remain unsolved. In every instance, Canadian authorities could and should have done more to ensure the safety of these women and girls or to address the social and economic factors that had helped put them in harm's way.

The Scope of the Violence

A shocking 1996 Canadian government statistic reveals that Indigenous women between the ages of 25 and 44, with status under the Indian Act, were five times more likely than all other women of the same age to die as the result of violence.⁴ Understanding the true scale and nature of violence against Indigenous women, however, is greatly hampered by a persistent lack of comprehensive reporting and statistical analysis.

Reports of murders, assaults or missing persons may be investigated by municipal police forces, provincial 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

⁴ *Aboriginal Women: A Demographic, Social and Economic Profile*, Indian and Northern Affairs Canada, Summer 1996.

information among police forces in Canada.⁵ 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.⁶



Felicia Solomon, a 16-year-old cousin of Helen Betty Osborne, was reported missing after she failed to return home from school in Winnipeg, Manitoba on 25 March 2003. In June 2003, body parts were found that were later identified as Felicia Solomon's. Her killer has not been found. © Private (AI use)

Indigenous women's organizations have long spoken out against what some describe as an epidemic of violence against women and children within

⁵ Canadian Press, "Missing aboriginal women inspire national campaign," 22 March 2004.

⁶ *Juristat* Vol 21, No.9, Canadian Centre for Justice Statistics, Statistics Canada 2001.

Indigenous communities.⁷ More recently, a number of advocacy organizations, including the Native Women's Association of Canada (NWAC), have drawn attention to acts of violence perpetrated against Indigenous women in predominantly non-Indigenous communities. A number of high profile cases of assaulted, missing or murdered Indigenous women and girls have 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 the 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 Columbia.

⁷ See, for example, Claudine 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.

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."⁸
- 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

⁸ “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.

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 only part of the picture. The organization has estimated that over the past twenty years more than five hundred Indigenous women may have been murdered or gone missing in circumstances suggesting violence.

Given the significant gaps in available information, it is not possible to comment on the accuracy of this estimate. Until police consistently record whether or not missing persons and the victims of violent assaults are Indigenous, and these statistics are subject to comprehensive analysis, it will not be possible to accurately estimate the true scale or the circumstances of violence against Indigenous women in Canada. Yet, no matter what the exact toll of murdered and missing women has been, their fate has not been adequately addressed by Canadian authorities. Faced with apparent indifference to the welfare and safety of Indigenous women, the families and non-governmental organizations working on their behalf have been obliged to launch their own campaigns to bring the issue before the police, media and government officials.

Amnesty International's own research was not comprehensive. The stories told in Amnesty International's report have been chosen because they reflect the range of concerns and circumstances brought to the organization's attention. Amnesty International's research focused on a limited number of cities in western Canada where there is a large and growing Indigenous population and where there has already been some public attention to these concerns.⁹ Many regions of the country, such as the north of Canada, could not be included in this research. Furthermore, the report only includes case studies in which the families of these women and girls were willing and prepared to have these stories told publicly.

However, the stories told in the report, along with valuable input from a range of front-line organizations, work done by authoritative government commissions such as the Manitoba Justice Inquiry, and other information reviewed in the course of research, all point to an urgent need for Canadian officials to better understand and address violence against Indigenous women in predominantly non-Indigenous communities. It is Amnesty International's view that the role of discrimination in fuelling this violence, in denying Indigenous women the protection they deserve or in allowing the perpetrators to escape justice is a critical part of the threat faced by Indigenous women.

⁹ Vancouver, Prince Albert, Saskatoon, Regina, and Winnipeg.

Indigenous Women at Risk

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

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.¹⁰

Those words describe an act of horrific violence carried out by four men more than thirty years ago. Sadly, Amnesty International's research underscores the fact that three decades later the lives of Indigenous women in Canada continue to be placed at risk precisely because they are Indigenous women. That research, along with the testimony of frontline organizations and the conclusions of previous government commissions and inquiries, points to the following factors linking racism and discrimination to violence against Indigenous women in urban centers in Canada:

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

¹⁰ *Report of the Aboriginal Justice Inquiry of Manitoba*, Supra, footnote 1.

women into dangerous situations that include extreme poverty, homelessness and prostitution.

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

Indigenous women's lives remain at risk in part because of the failure of Canadian officials to implement critical measures needed to reduce the marginalisation of Indigenous women in Canadian society and build better relations between Indigenous peoples and the justice system. These are measures that have been repeatedly called for by commissions and inquiries such as the Manitoba Justice Inquiry and the Royal Commission on Aboriginal Peoples, and by United Nations human rights bodies.¹¹ The failure to respond quickly and appropriately to threats to Indigenous women's lives means that Canadian officials have failed to live up to their responsibility to

¹¹ 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 Nations Committee on Economic, Social and Cultural Rights: Canada, 10/12/98, E/C.12/1/Add.31.

prevent violations of Indigenous women's fundamental human rights.¹²

A Legacy of History

Violence against women and children within Indigenous families and communities is widely understood to be part of a broader spectrum of social stress and turmoil that has resulted from government policies imposed on Indigenous peoples without their consent.¹³

For more than a century, from the 1870s through the mid-1980s, the Canadian government took away Indigenous women's status as Indigenous people under the federal Indian Act, along with their right to live in their home communities, if they married a non-Indigenous man or a man from another community. This policy resulted in the uprooting of tens of thousands of Indigenous women, jeopardizing their ties to their families and increasing their dependence on their spouses.

During roughly the same period, the government required Indigenous children to be educated in off-

¹² Canada's obligations to protect Indigenous women from violence stem from a number of international human rights treaties including the Convention on the Elimination of Discrimination against Women, article 2; the International Covenant on Civil and Political Rights, article 2; and the International Convention on the Elimination of all forms of Racial Discrimination, article 2.

¹³ See, for example, The Aboriginal Family Healing Unit Steering Committee, *For Generations to Come: The Time is Now: A Strategy for Aboriginal Family Healing* (Sylvia Maracle, Barbara Craig, co-chairs), 1993.

reserve residential schools where, in addition to being punished for speaking their language or practicing their cultures, many were subjected to inhuman living conditions and physical and sexual abuse.¹⁴

Even as the residential school system was being phased out through the 1960s, Indigenous children continued to be taken from their families by child service programs oriented toward putting children in the care of the state rather than addressing the circumstances of poverty and family violence that placed the children at risk - a problem that persists today.¹⁵



May 2004: Families of missing and murdered Indigenous women gather for a healing circle hosted by Amnesty International. © Amnesty International

All the while, the land and resource base essential to the viability of Indigenous economies and ways of living has been dramatically eroded by the failure of

¹⁴ RCAP, *Supra*, footnote 11.

¹⁵ Department of Indian Affairs and Northern Development and Assembly of First Nations. *First Nations Child and Family Services Joint National Policy Review*. Ottawa, 2000. 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.

governments to consistently recognize and uphold Indigenous title.¹⁶

The legacy of these policies has been the erosion of culture, the uprooting of generations of Indigenous women, the separation of children from their parents, and a cycle of impoverishment, despair and broken self-esteem that continues to grip many Indigenous families. The federal government's Royal Commission on Aboriginal Peoples (RCAP) concluded in 1996:

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. Social problems among Aboriginal people are, in large measure, a legacy of history.¹⁷

Amnesty International's research suggests that the same legacy of history has also contributed to a heightened risk of violence for Indigenous women in urban centers in Canada. Generations of Indigenous women and girls have been dispossessed by government policies. Many now face desperate circumstances in Canadian towns and cities, a situation compounded by sexist stereotypes and racist attitudes toward Indigenous women and girls and general indifference to their welfare and safety. The result has been far too many Indigenous women and girls placed in harm's way, denied adequate protection of the law, and marginalized in a way that allows

¹⁶ RCAP, *Supra*, footnote 11.

¹⁷ RCAP. *Ibid*.

some men to get away with carrying out violent crimes against them.

Dispossessed in Their Own Lands

Social strife, decades of involuntary uprooting of women and children, and lack of economic and educational opportunities within many Indigenous communities have contributed to a steady growth in the number of Indigenous people living in predominantly non-Indigenous towns and cities.

On average, however, Indigenous women in Canadian urban centers are unable to earn enough money to meet their own needs, much less support a family. In the 1996 census, the average annual income of Indigenous women with status living off-reserve was \$5,500 less than that of non-Indigenous women¹⁸ and substantially less than the amount Statistics Canada estimated people living in a large Canadian city would have needed to provide food, shelter and clothing for themselves.¹⁹ Homelessness and inadequate shelter are believed to be widespread problems facing Indigenous families in all settings.²⁰

The difficult struggle to get by is compounded by sexist stereotypes and racist attitudes toward

¹⁸ Indian and Northern Affairs Canada. *Aboriginal Women: A Profile from the 1996 Census*, Ottawa, 2001.

¹⁹ Statistics Canada. *Low income cut offs from 1994-2003 and low income measures from 1992-2001*, Ottawa, 2003.

²⁰ 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.

Indigenous women and girls and general indifference to their welfare and safety. As described in 1993 by the Canadian Panel on Violence against Women: "...most Aboriginal people have known 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."²¹

In one survey, Indigenous families struggling with poverty described their situation using words and phrases such as "low self-esteem, depression, anger, self-doubt, intimidation, frustration, shame and hopelessness."²²

Prostitution is one means which some Indigenous women have resorted to in the struggle to provide for themselves and their families in Canadian cities.²³ In a study of 183 women in the Vancouver sex trade carried out by the PACE (Prostitution Alternatives Counselling and Education) Society, roughly 40 percent of the women said they got into the sex trade because they needed the

²¹ 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.

²² Ontario Federation of Indian Friendship Centres, *Urban Aboriginal Child Poverty: A Status Report on Aboriginal Children & Their Families in Ontario*, Toronto, Ontario, October, 2000

²³ A variety of factors lead women to work in the sex trade. That full range of circumstances is not the focus of this report, which concentrates on Indigenous women in Canada.

money²⁴ and 25 percent referred to drug addiction as part of the reason they started selling sexual services. Almost 60 percent said they continued working in the sex trade to maintain a drug habit.²⁵ 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.²⁶ Indigenous women are believed to be similarly over-represented among sex workers in other Canadian cities.

Another non-governmental organization, Save the Children Canada, spoke with more than 150 Indigenous youths and children being exploited in the sex trade. Almost all the youth and children interviewed talked about “the overwhelming presence of disruption and discord in their lives, accompanied by low self-esteem.”²⁷ 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 notes:

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

²⁴ PACE Society, *Violence against Women in Vancouver's Street Level Sex Trade and the Police Response*, Vancouver, 2000, p. 82.

²⁵ Ibid. pp. 32-3.

²⁶ Ibid. p. 6.

²⁷ Save the Children Canada. *Sacred lives: Canadian Aboriginal children and youth speak out about sexual exploitation*. National Aboriginal Consultation Project. Ottawa, 2000. p. 33.

vulnerability forces them into situations whereby the sex trade can become the only viable alternative for survival.²⁸

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.²⁹

Women in the sex trade are at heightened risk of violence because they are often desperate enough to take risks such as getting into cars with men known to be violent 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.³⁰ Furthermore, 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

²⁸ Ibid., p. 34.

²⁹ PACE Society, *Supra*, footnote 24, p. 6.

³⁰ John Lowman. “Violence and the Outlaw Status of (Street) Prostitution in Canada. *Violence Against Women*, Volume 6, Number 9, September 2000, pp. 987-1011, at 989.

the belief that they are likely to get away with their crimes.

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:

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.³¹

Racist Violence and Indigenous Women

Among the missing and murdered Indigenous women whose stories appear in Amnesty International's report, some had occasionally or regularly engaged in the sex trade to make a living. Others, however, had had no connection to the sex trade. It is Amnesty International's view that some of the factors contributing to violence against sex workers, such as social stigmatisation and being cut off from the protection of family and society, are

³¹ Warren Goulding. *Just Another Indian: A Serial Killer and Canada's Indifference*, Calgary: Heritage House Publishing Company. 2001. p. 188.

often part of the experience of Indigenous women beyond the sex trade.

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.³²

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. 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 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.

³² *Report of the Aboriginal Justice Inquiry of Manitoba*, Supra, footnote 1.

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.³³ 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, police 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.

³³ See for example: *Saskatchewan Commission on First Nations and Métis Peoples and Justice Reform* (Saskatchewan Justice Reform Commission), Final Report, Regina, 2004. *Report of the Aboriginal Justice Inquiry of Manitoba*, Supra, footnote 1.

Across the country, Indigenous people face arrest and criminal prosecution in numbers far out of proportion to the size of the Indigenous population. The Manitoba Justice Inquiry suggested that the overrepresentation 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.”³⁴ 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 led to a situation often described as one of Indigenous people being over-policed but under-protected.³⁵

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. 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.”³⁶ One Indigenous woman, herself a professor at a Canadian university,

³⁴ *Aboriginal Justice Inquiry of Manitoba*, Supra, footnote 1, p. 595

³⁵ *The Aboriginal Justice Implementation Commission, Final Report*, Manitoba, 2001.

³⁶ Saskatchewan Justice Reform Commission, Supra, footnote 33, pp. 5-3, 5-4.

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."³⁷ 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."³⁸

Despite the efforts of many police forces to hire more Indigenous officers, Indigenous people are still underrepresented in police forces across Canada.³⁹ 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

³⁷ 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.

³⁸ Saskatchewan Justice Reform Commission, *Supra*, footnote 33, pp. 5-8.

³⁹ *Ibid*, pp. 5-10, 5-11. The Aboriginal Justice Implementation Commission. *Supra*, footnote 34.

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.

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 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.⁴⁰

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

⁴⁰ *Ibid.*, p. A-34.

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 serious 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. 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.

There are additional concerns around police treatment of Indigenous and non-Indigenous women in the sex trade.

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.⁴¹ Although these laws potentially target those who purchase sex or live off of prostitution as much as they target women and men who sell sexual services, prostitutes are the most frequent targets of arrest in many jurisdictions. 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.⁴²

The threat of arrest places sex workers in an “adversarial relationship” with police.⁴³ 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

⁴¹ Criminal Code of Canada, ss. 212, 213.

⁴² Pivot Legal Society. *Voices for Dignity: A Call to End the Harms Caused by Canada’s Sex Trade Laws*. Vancouver, 2004.

⁴³ Lowman, *Supra*, footnote 30, p. 1008.

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."

Conclusion and Recommendations

Indigenous women and girls deserve the protection of Canadian authorities and Canadian society. The failure to provide that protection is a personal tragedy for their families who have lost sisters, daughters and mothers to racist and sexist violence. It is also a human rights tragedy.

The concept of human rights is based on the recognition of the inherent dignity and worth of every human being – without exception. Through ratification of binding international human rights

treaties and the adoption of important declarations by bodies such as the United Nations, governments have made a commitment to ensure that all people enjoy universal rights and freedoms. Governments are obliged to provide protection from discrimination and ensure that everyone has access to adequate healthcare, education, and shelter. Governments are also obliged to take every reasonable precaution to prevent crimes such as murder, abduction and torture.



September 11, 2004: The lives of missing and murdered Indigenous women are honoured at a traditional cultural festival in St. Catherines, Ontario. The drummers and singers belong to the Midnight Messenger, an Amnesty International action circle on Indigenous rights. © Amnesty International

Amnesty International is concerned that Canadian officials are not living up to their obligations toward Indigenous women. Attacks on Indigenous women in Canadian cities have, for too long, been treated as isolated incidents. The common patterns are not adequately researched and many of the preventive measures identified by past government commissions

and inquiries have not been implemented. Meanwhile longstanding patterns of social and economic inequity that remain unaddressed continue to drive Indigenous women and girls into situations like the sex trade where the risk to their lives is that much greater.

It is time for action.

All levels of government in Canada should work closely and urgently with Indigenous peoples' organizations, and Indigenous women in particular, to institute plans of action to stop violence against Indigenous women. The following recommendations for action are based on recommendations made by the families of missing women, frontline organizations working for Indigenous women's welfare and safety, and official government inquiries and commissions. Some of the recommendations are specific to the situation and needs of Indigenous women. Others are relevant to both Indigenous women and non-Indigenous women.

Canadian officials should:

1. Identify and implement appropriate and effective protocols for action on missing person cases consistent with the specific risks to Indigenous women and girls.
2. Provide adequate, sustained, multi-year funding to culturally appropriate services, such as shelters and counselling for Indigenous women and girls, needed to prevent violence against Indigenous women.
3. Expand programs which provide advocates to assist Indigenous people in their contacts with police and with courts.
4. Ensure that all police forces in Canada are subject to the jurisdiction of independent civilian bodies able to investigate allegations of wrongdoing by police.
5. Increase recruitment of Indigenous police officers, particularly Indigenous women. As well, ensure adequate training for all police, prosecutors and judges on issues of violence against Indigenous women in a range of settings including family violence, child sexual exploitation and violence against women in the sex trade.
6. 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.

7. Provide 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.
8. 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. 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.
9. Implement 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 human rights treaty bodies.
10. Strengthen and expand public education programs, including those 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.
11. Take measures to ensure mandatory and meaningful consultation with Indigenous women in the formulation and implementation of all policies affecting their welfare.
12. Ratify and uphold international human rights instruments relevant to the prevention of violence against women, including the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará).

For further recommendations, please see our full report: *Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada*.

Take action

Add your voice to the demand that Canadian officials take urgent action to stop violence against Indigenous women in Canada.

Write to:

The Honourable Anne McLellan
Deputy Prime Minister and Minister of Public Safety
and Emergency Preparedness
House of Commons
Parliament Buildings
Ottawa, Ontario
K1A 0A6
Canada

Express your deep concern about violence against Indigenous women in Canada. Ask the federal government to take the following steps as a matter of urgent priority:

- Strongly encourage all police forces across Canada to work with Indigenous women's organizations to identify and implement appropriate and effective protocols for action on missing person cases consistent with the specific risks to Indigenous women and girls.
- Ensure adequate, sustained, multi-year funding to culturally appropriate services

such as shelters and counselling, needed to prevent violence against Indigenous women.

- Provide 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.
- Ensure full implementation of 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.