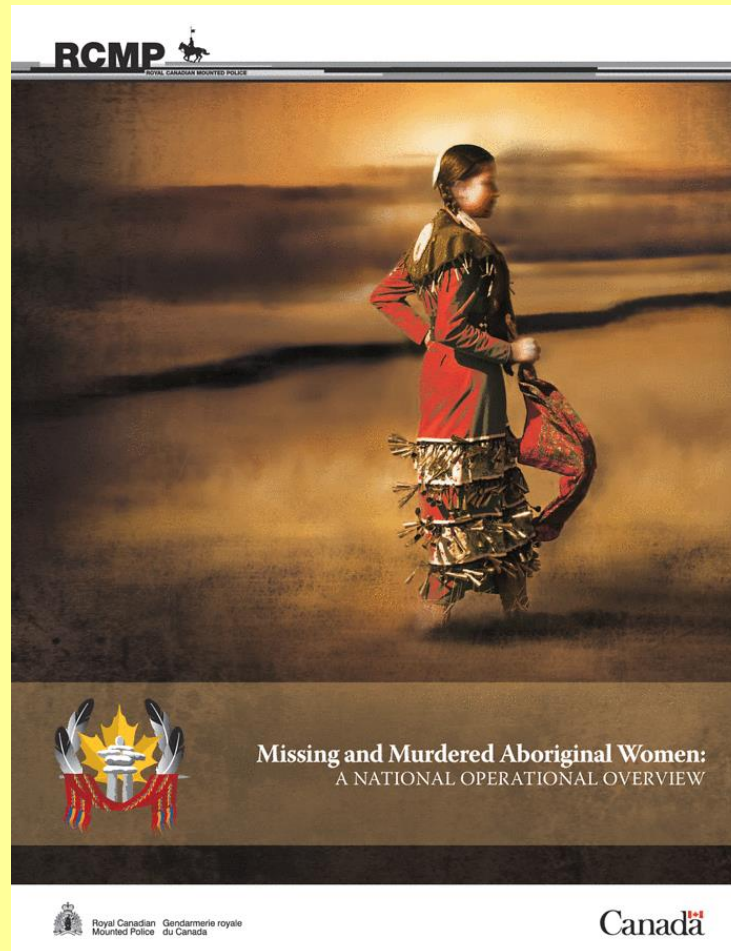


Missing and Murdered Aboriginal Women and Girls

Senator Lillian Eva Quan Dyck, PhD, D Litt

Saskatchewan Human Rights Commission,
Jan 21, 2016


RCMP Report:
*“Missing and Murdered Aboriginal Women: A
National Operational Overview,” May 2014*






RCMP Report May 2014


Figure 2 - Female homicides, 1980-2012
(Part of the Northwest Territories became the Territory of Nunavut in 1999.)


Province/ Territory	Aboriginal	Non- Aboriginal	Unknown	Aboriginal victim proportion
NL	10	57	1	15%
PE	0	10	0	0%
NS	5	163	4	3%
NB	5	125	0	4%
QC	46	1445	11	3%
ON	114	1901	48	6%
MB	196	188	13	49%
SK	153	116	7	55%
AB	206	533	2	28%
BC	205	890	8	19%
YK	10	8	0	56%
NT	47	3	1	92%
NU	20	0	0	100%
Total	1017	5439	95	16%

 Aboriginal women:
 1,017 murdered
 164 missing
 1181=TOTAL

-  3x more likely - Missing
-  4x more likely - Murdered


-  SK: 55% of murdered women were Aboriginal.

-  Nationally: 16% of murdered women were Aboriginal.



The original groundbreaking Reports have received little attention and their stats showing a greater vulnerability of AWGs were denied by the RCMP

- Amnesty International, 2004, 2009
 - *Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada.*
 - *No More Stolen Sisters*
- NWAC, 2005-2010
 - *What their Stories Told Us, Sisters in Spirit Initiative*



Numerous Calls for a National Inquiry into MMAWG

NWAC, 2010

Federal Liberal & NDP 2010, 2013

(UN)CEDAW 2011

AFN 2012

Provincial, Territorial leaders 2013

UN special rapporteur, J. Anaya 2013

AI, CHRC, CASW, CPHA, CFUW 2014

Many other orgs. & prominent individuals



Missing, Murdered & nearly Murdered

● Loretta Saunders
Feb. 2014



● Marlene Bird
June 2014



● Tina Fontaine
August 2014



● Rinelle Harper
November 2014





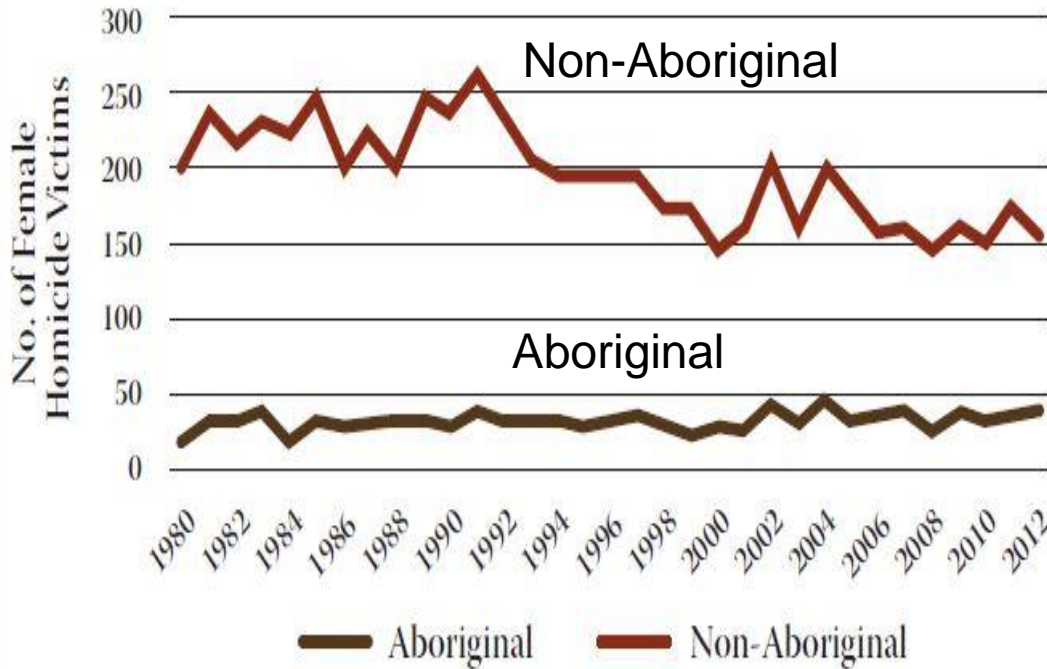


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- Not much national media attention until the murders of Loretta Saunders and Tina Fontaine
 - And the RCMP report in 2014 – which confirmed the AI and NWAC conclusions that AWG are more likely to go missing or be murdered.
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Figure 3 -- Female homicides per year, 1980-2012



- The rate of non-Aboriginal female homicides has dropped.
- **Why hasn't it dropped for Aboriginal females?**

- 
- RCMP report focuses on homicides.
 - The **missing** AWG aren't discussed.
 - Their families spend considerable time and resources conducting searches for their loved ones.

 - Children are left motherless and negatively affected by societal & media misinformation about MMAW.
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Increasing pressure for a National Inquiry

- Angus Reid poll, October 2014:

Three quarters of Canadians are in favor of a national inquiry!



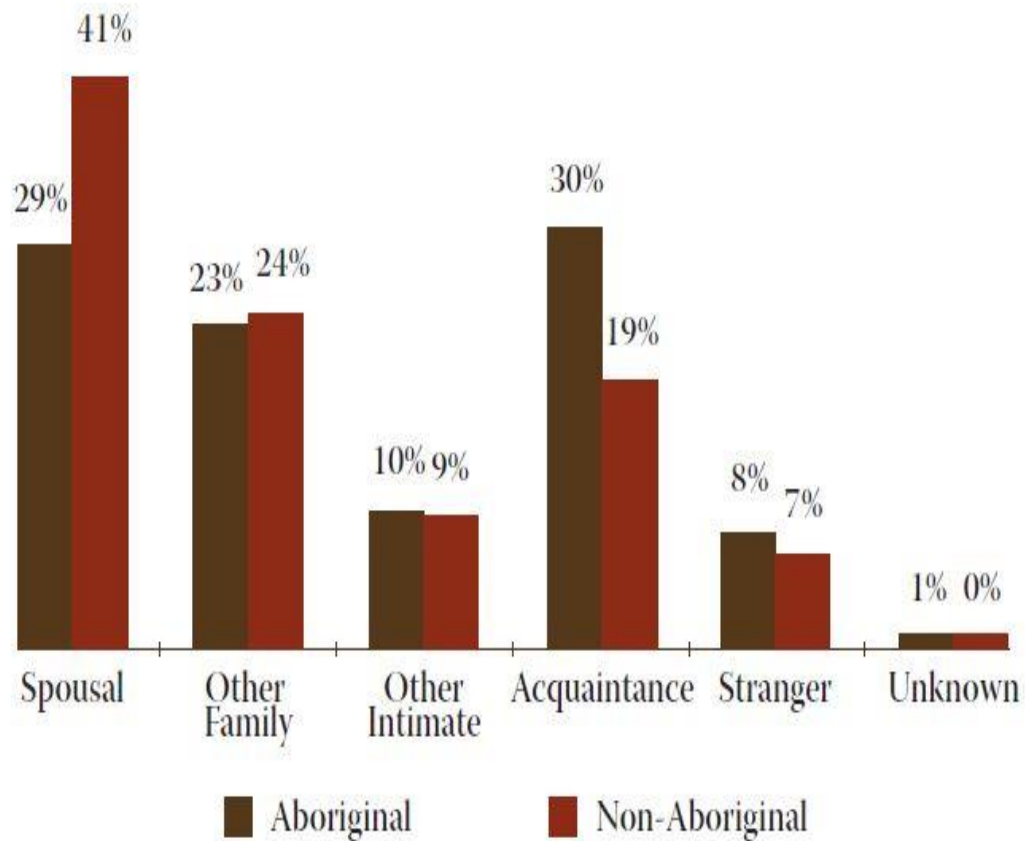
Questionable Claim by Valcourt

“70% of murdered Aboriginal Women are killed by Aboriginal men.” Minister Valcourt , March 20, 2015.

1st the RCMP said they don't collect the data, then they said they would release them in a new report, then Commissioner Paulson confirmed the claim, but wouldn't release the data.

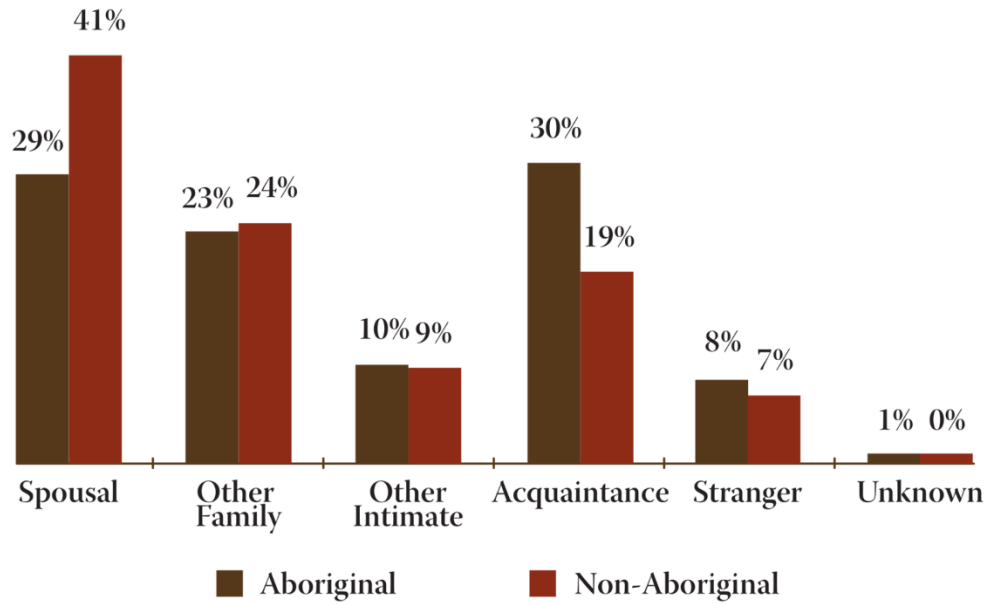
The data supporting this claim has NOT be made public by the RCMP and whatever data they currently have is not reliable.

Figure 8 – Offender-to-victim relationship, female homicides, 1980-2012



Non-A females were more likely to be murdered by their spouse than Aboriginal women. 41% vs 29%

Figure 8 – Offender-to-victim relationship, female homicides, 1980-2012






Aboriginal female victims were more likely to be murdered by an acquaintance than non-A females (30% compared to 19%).



Aboriginal females were more likely to be murdered by a casual acquaintance (17% compared to 9%)





Biased reporting is evident

- There's been no media attention paid to the higher level of spousal violence for non-Aboriginal women.
 - No headline like “Non-Aboriginal women murdered more often by spouse than Aboriginal women!”
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- Clearly there is a need to educate the general public to dispel untrue notions of who the MMAW are and who are the perpetrators.
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- It is important to challenge the claim that family violence is the main factor in the murders of Aboriginal women, because
 - the evidence is questionable.
 - the claim reinforces negative stereotypes about Aboriginal people.
 - it minimizes the role of non-Aboriginal offenders and minimizes family violence in non-Aboriginal families.
 - It ignores the reality of mixed race families.
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- An independent commission of inquiry into MMAWGs:
 - would not be unduly influenced by preconceived ideas about Aboriginal women and men
 - would recognize that the role of non-Aboriginal men should also be examined
 - could get the unreleased RCMP data.
 - Would get at the root causes and propose holistic solutions.
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TRC final event, Ottawa June 12-14. 2015




Honourable Justice Murray Sinclair (Chair), Chief Wilton Littlechild, Dr. Marie Wilson






Truth & Reconciliation Commission

● Recommendation #41

We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:

- i. Investigation into missing and murdered Aboriginal women and girls.
 - ii. Links to the intergenerational legacy of residential schools.
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- Liberal Government announced that they will conduct a national inquiry in December 2015.
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Bill S-215


The overall intention is to help prevent Aboriginal women and girls from being victims of violent acts and being murdered.

The courts will be instructed to consider Aboriginal female identity as an aggravating factor when sentencing offenders for assault, sexual assault and murder.







Aggravating factors

- Are relevant facts and circumstances that increase the severity or culpability of a criminal act.
 - AFs are looked at by the jurors and judges during sentencing.
- 




Rationale

- 1. It is obvious that Aboriginal women are far more likely than other Canadian women to be victims of violent assaults and be murdered.
 - 2. Thus, they have not received the equal protection of the law guarantees under s15 of the Charter of Rights and Freedoms.
- 






My proposed legislative solution – bill S-215

- To amend the criminal code to require the court system to take into account the fact that *AWGs* are more likely to be victims of violence and consider their identity, as *AW*, as an aggravating factor in sentencing the offender.
- 



The outcomes of this bill

- 1. Sentencing of offenders will be more equitable, as the victim will be seen as inherently worthy and in need of protection.
 - 2. The bill would send a strong message to all Canadians that violence against Aboriginal women is denounced.
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- 3. This will deter potential offenders who think they will get more lenient sentences by targeting Aboriginal women.
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Rationale for bill S-215:

based on existing legislation protecting certain types of people or animals


- **** 1. Bill S-221
 - public transit operators


 - 2. Sections 270(1) and 230(4) of the CC
 - Police, wardens, prison workers

 - 3. Bill C-35
 - Service animals
- 



Bill S-221

- Amended the assault section of the CC to add “public transit operators” as an aggravating factor.
 - Rationale: they are targeted for assault
- 




Bill S-215

- Amends sections 239 and 273 of the Criminal Code to add Aboriginal women as an aggravating factor in sentencing offenders for murder, assault or sexual assault.







Is it a problem to focus on one specific race?

- This bill is like an affirmative action plan, a remedial action plan.
 - Race and sex are included as AFs,
 - BUT some will see the bill as favoring one race over another despite the fact that AW are disadvantaged because of their race and targeted for violent crimes.
- 



Precedents

- 1. The Indian Act and numerous amendments.
 - 2. Every bill that affects First Nations, such as the recent FN Financial Transparency Act.
 - 3. Section 718.2 (e) of the CC which names Aboriginal offenders specifically as an aggravating circumstance in their sentencing.
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Bill S-215

- Names Aboriginal women VICTIMS specifically as an aggravating factor in sentencing their offender.
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