



Special Rapporteur on the Rights of Indigenous Peoples  
 c/o OHCHR-UNOG  
 Office of the High Commissioner for Human Rights  
 Palais Wilson  
 1211 Geneva 10, Switzerland  
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October 10, 2013

Re: UN Special Rapporteur on the Rights of Indigenous Peoples Visit to Canada

Dear Special Rapporteur Dr. James Anaya:

The Coalition for missing and murdered Aboriginal women and girls [the Coalition] welcomes your anticipated visit to Canada. We appreciate the important opportunity to provide you with oral and written submissions to discuss the ongoing issues of disappearing and murdered Aboriginal women and girls in British Columbia, Canada.

Hundreds of Aboriginal women and girls, sex workers and women living with addictions continue to face systemic barriers including criminalization, poverty, racism and oppression, which are deeply rooted in colonial Canadian society. In Canada, Indigenous women are five times more likely than other women to die as a result of violence. The government and police continue to fail in providing protection to women in the Downtown Eastside of Vancouver (DTES) and along Highway 16, named

the Highway of Tears.

As stated by the previous Special Rapporteur, “the situation remains of great concern for many First Nations women in the country, and the Special Rapporteur considers that it deserves urgent attention.” (Report of Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people - Mission to Canada (E/CN.4/2005/88/Add.3)

The UN CEDAW Committee has also repeatedly recommended that Canada engage in comprehensive investigation, analysis, and action on the issue of missing and murdered women, especially Indigenous women.

As recognized by the *United Nations Declaration of Rights of Indigenous Peoples*:

**Article 7.1:** Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person;

**Article 18:** Indigenous people have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions;

**Article 22.2:** States shall take effective measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination;

**Article 40:** Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies of all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

In the wake of the guilty verdict in the Robert William Pickton trial, family members of missing women, grassroots women’s organizations in the DTES, community groups and Aboriginal and public leaders including the Union of BC Indian Chiefs (UBCIC), have incessantly called for a full public inquiry into the missing women of the DTES and the Highway of Tears.

“We are failing to protect women from poverty and systemic exploitation, abuse and violence. We are here in sorrow and in anger because the violence continues each and every day and the list of missing and murdered women gets longer every year,” says Marlene George, Chair of the grassroots February 14<sup>th</sup> Women’s Memorial March Committee in the Downtown Eastside of Vancouver, what is known as ‘ground zero’ for violence against Indigenous women and girls.

In October 2011, the Government of British Columbia commenced the Missing Women Commission of Inquiry (MWCI); the fundamentally flawed Inquiry was intended to investigate the negligent police investigation between 1997 and 2002 of serial killer Robert William Pickton. However, denial of a just process, extremely narrow and restrictive terms of reference, the imposed tight timelines, inequitable funding for applicants granted standing, discrimination against women and Aboriginal groups, and violations of international human rights standards, forced many applicants to withdraw their participation.

As a result, more than twenty-five diverse urban community and political advocacy groups and family members of missing and murdered women formed the Coalition. The Coalition continues to meet on a regular basis to advocate ending violence against women and girls across the Province who continue to go missing.

On June 10, 2013, a “Mandate Letter” from the Premier of British Columbia to Suzanne Anton, Attorney General of BC states that one of the Government priorities was to consider implementation of the recommendations of the MWCI. However, the Province recently took the position that litigation by children of Robert Pickton’s victims may constrain the government’s work in responding to the recommendations of the Missing Women Commission of Inquiry, and Xwě lī qwě l tēl (the Honourable Steven Point) resigned as advocate for their implementation.

The Coalition insists that litigation does not prevent the government from continuing essential work with impacted families and communities to create tangible solutions to the tragedy of violence against women that continues to unfold. The Province has been extremely slow in taking action implementing recommendations from the report, despite the glaring urgency for real and substantial change to be made on the ground in order to prevent further violence and to pursue justice for the missing and murdered women.

The continued failed responses with respect to violence and discrimination against Aboriginal women reveals gaps in our justice system and calls for an urgent review to address underlying social issues. The Coalition continues to demand that the Provincial Government implement the MWCI recommendations, and continues to support a call for an independent National and International Inquiry for Missing and Murdered women and girls in Canada.

Regards,

Aboriginal Front Door Society  
Amnesty International Canada  
Asian Women Coalition Ending Prostitution  
Atira Women's Resource Society  
B.C. Civil Liberties Association  
Battered Women's Support Services  
Butterflies in Spirit  
Canadian Association of Sexual Assault Centres  
Carrier Sekani Tribal Council  
Downtown Eastside Sex Workers United Against Violence Society  
Downtown Eastside Women's Centre  
Ending Violence Association British Columbia  
EVE, formerly Exploited Voices Now Educating  
Justice for Girls  
February 14<sup>th</sup> Women's Memorial March Committee

First Nations Summit  
National Congress of Black Women's Foundation  
PACE: Providing Alternatives Counselling & Education Society  
PHS Community Services Society  
Pivot Legal Society  
Poverty and Human Rights Centre  
Provincial Council of Women of British Columbia  
Union of B.C. Indian Chiefs  
Union Gospel Mission  
Vancouver Rape Relief & Women's Shelter  
West Coast LEAF  
WISH Drop-in Centre Society  
Women's Equality and Security Coalition

### **Appendices:**

#### **Open Letters**

- Community and Advocacy Groups Strongly Object to Stalling by Province since Conclusion of Missing Women Commission of Inquiry and Set out Requirements for Participation. July 10, 2013.
- Groups affirm boycott of discriminatory Missing Women Commission. April 10, 2012.
- Support for a National Federal Inquiry "Royal Commission on Violence against Indigenous Girls and Women". August 23, 2011.
- Funding for MWCI Participants. July 15, 2011.
- Letter to the Attorney General re: Expanded mandate of Missing Women Commission of Inquiry. March 4, 2011.
- UBCIC Continues to Demand Public Inquiry Into Missing and Murdered Women in DTES. August 19, 2010.
- Letter to the Office of the Premier re: Inquiry. March 11, 2009.

#### **Reports**

- "Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada". By Human Rights Watch. 2013.
- "Forsake: The Report of the Missing Women Commission of Inquiry". By Honourable Wally T. Oppal, QC, Commissioner. 2012.

- “Wouldn’t Piss on Them If They Were On Fire: How Discrimination Against Sex Workers, Drug Users and Aboriginal Women Enabled a Serial Killer”. By Independent Counsel to the Commissioner of the Missing Women Commission of Inquiry, Jason Gratl. 2012.
- “Blueprint for and Inquiry: Learning from the Failures of the Missing Women Commission of Inquiry”. By Darcie Bennet (PIVOT Legal Society), David Eby (BC Civil Liberties Association), Kasari Govender (West Coast LEAF), Katrina Pacey (PIVOT Legal Society). 2012.  
<http://www.westcoastleaf.org/userfiles/file/Missing%20Women%20Commission%20of%20Inquiry%20joint%20report%202012.pdf>
- “Small Town Justice: A Report on the RCMP in Northern and Rural British Columbia”. By David Eby (BC Civil Liberties Association). 2011.

### **British Columbia Legislature Hansard**

- Discussions in the Legislature. 2011-2013.

### **Union of BC Indian Chiefs Resolutions**

- Resolution 2013-12- Support for Human Rights Watch and Justice for Girls Report “Those Who Take Us Away”.
- Resolution 2012-37- Declaration on Stopping Violence against Aboriginal Women and Girls.
- Resolution 2011-29- Follow up to Missing Women’s Commission of Inquiry May 3, 2011 Ruling.
- Resolution 2011-30- Support for a National Federal Inquiry “Royal Commission on Violence Against Indigenous Girls and Women”.
- Resolution 2010-13- Support for Symposium on Missing and Murdered Women.
- Resolution 2009-47- Funding for Highway 16 Coordinator.
- Resolution 2008-30- Call for a Public Inquiry into the Missing Women of the Downtown Eastside (Vancouver) and the Highway of Tears.

### **Media Releases**

- Community and Advocacy Groups Respond to Missing Women Commission of Inquiry's Final Report. December 17, 2012.
- UBCIC Remembers and Honors Women who have Been Victims of Violence. December 6, 2012.
- Missing Women Commission of Inquiry Needs to Face the Facts. March 22, 2012.

- UBCIC and Carrier Sekani Tribal Council Celebrates International Women's Day and Calls for End to Inequity and Violence Experienced by Indigenous Women. March 8, 2012.
- UBCIC and Carrier Sekani Tribal Council Withdraw from BC's Missing Women Commission of Inquiry. July 27, 2011.
- UBCIC Files Conflict of Interest Complaint against Wally Oppal. November 25, 2010.
- Full Public Inquiry of Pickton Investigations Must Be Inclusive and Detailed. September 9, 2010.
- Will Justice Be Denied to the Families of the Murdered Women of the Downtown Eastside? July 30, 2010.
- First Nations Leaders call on Federal Government to conduct a full Public Inquiry into Missing or Murdered Aboriginal Women. November 27, 2008.
- Continued Support for the Highway of Tears Initiative Urgently Needed. October 23, 2007.

#### **Online Media Releases**

- BCCLA and UBCIC Slam BC Decision to stop working on Missing and Murdered women Recommendations. May 17, 2013.  
<http://bccla.org/news/2013/05/bccla-and-ubcic-slam-bc-government-decision-to-stop-working-on-missing-and-murdered-women-recommendations/>
- UBCIC and BCCLA Call for an End to Unacceptable Police Violence. March 15, 2013.  
[http://www.ubcic.bc.ca/News\\_Releases/UBCICNews03151301.html#axzz2dqzTRFXb](http://www.ubcic.bc.ca/News_Releases/UBCICNews03151301.html#axzz2dqzTRFXb)
- Full Public Inquiry Must Be Inclusive and Detailed. September 9, 2010.  
[http://www.ubcic.bc.ca/News\\_Releases/UBCICNews09091002.htm#axzz2dqzTRFXb](http://www.ubcic.bc.ca/News_Releases/UBCICNews09091002.htm#axzz2dqzTRFXb)
- Disappearances and Murders on the Highway of Tears. August 28, 2009.  
[http://www.ubcic.bc.ca/News\\_Releases/UBCICNews08290902.htm#axzz2dqzTRFXb](http://www.ubcic.bc.ca/News_Releases/UBCICNews08290902.htm#axzz2dqzTRFXb)
- Aboriginal Leaders, Family, Community Groups Call for Public Inquiry for Murdered and Missing Women. March 11, 2009.  
[http://www.ubcic.bc.ca/News\\_Releases/UBCICNews03110901.htm#axzz2dqzTRFXb](http://www.ubcic.bc.ca/News_Releases/UBCICNews03110901.htm#axzz2dqzTRFXb)
- Some Victim's Families still await Justice on First Anniversary of Pickton Verdict. December 9, 2008.  
[http://www.ubcic.bc.ca/News\\_Releases/UBCICNews12090801.htm#axzz2dqzTRFXb](http://www.ubcic.bc.ca/News_Releases/UBCICNews12090801.htm#axzz2dqzTRFXb)
- Government Rallies 'drown out' Victims of Violence against Women. December 4, 2008.  
[http://www.ubcic.bc.ca/News\\_Releases/UBCICNews12040801.htm#axzz2dqzTRFXb](http://www.ubcic.bc.ca/News_Releases/UBCICNews12040801.htm#axzz2dqzTRFXb)