

# Royal Commission on Violence Against Aboriginal Girls and Women

**By Fran Smith and  
Lisa Yellow-Quill  
Co-Managers, Aboriginal Women's Program,  
Battered Women's Support Services**

*This article has been informed by the writing, research and through the consultations with Jamie Cooper and Tanisha Salomons who wrote Addressing Violence Against Aboriginal Women for Battered Women's Support Services in 2010 and by Beverley Jacobs (Coach), Alison Koper, Nicole Ludwig, Amy McCallion, and Karley Scott Rosowsky from the University of Calgary Law School for presentation at 2011 Kawaskimhon Moot hosted by University of British Columbia First Nations Legal Studies Program in Vancouver, BC. As part of the moot process, each law school was to represent a client. The University of Calgary moot team represented the Battered Women's Support Services.*



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**I**n consultation with the University of Calgary Moot team and in preparation for the 2011 Kawaskimhon Moot held in Vancouver from March 5-7, 2011, the Battered Women's Support Services initiated a call for a Royal Commission on Violence against Aboriginal Girls and Women.

In Canada, Aboriginal women are five times more likely than other women to die as a result of violence, and the numbers of Aboriginal women who are currently missing are staggering. This problem is not localized to one civic or provincial region, but is spread across the country; there are reports that more than 582 Aboriginal women are known to be either missing or murdered currently in Canada. It is important to note that many women who have gone missing or who have been found murdered are not women at all, but rather, girls in the care of the provincial ministries responsible for child and family services and foster care. In response to this crisis, many non government organizations are conducting research and spreading awareness both nationally and internationally such as the Amnesty International Stolen Sisters and No More Stolen Sisters reports.

Royal commissions throughout history have been known to address issues of grave public concern. A royal commission has the ability to address the historic, social, legal, economic, child welfare and political challenges facing Aboriginal girls and women across Canada, while recognizing that violence against Aboriginal girls and women is a grave national concern. There is no doubt that the very making of this nation as a nation rooting the colonialist treatment of Aboriginal girls and women has manifested into what is today Canadians willingness to either ignore or push aside issues relating to or involving Aboriginal girls and women.

In BC, on September 27, 2010, the Lieutenant Governor in Council issued an Order in Council establishing the Missing Women Commission of Inquiry. Wally Oppal, QC, was named Commissioner. Under the Terms of Reference, the Missing Women Commission of Inquiry will:

- a) inquire into and make findings of fact respecting the conduct of the investigations conducted between January 23, 1997 and February 5, 2002, by police forces in British Columbia respecting women reported missing from the Downtown Eastside of the city of Vancouver;
- b) inquire into and make findings of fact respecting the decision of the Criminal Justice Branch on January 27, 1998, to enter a stay of proceedings on charges against Robert William Pickton of attempted murder, assault with a weapon, forcible confinement and aggravated assault;
- c) recommend changes considered necessary respecting the initiation and conduct of investigations in British Columbia of missing women and suspected multiple homicides; and
- d) recommend changes considered necessary respecting homicide investigations in British Columbia by more than one investigating organization, including the co-ordination of those investigations.

In order to redress systemic inequality and to eliminate the violence perpetrated against Aboriginal girls and women within Canada, BWSS stresses that there is a responsibility by all to address this issue. The dangers faced by Aboriginal girls and women are not confined within any single jurisdiction and it is inappropriate to approach the issues as if they could be. The intersection of race, class, age and gender operate in a way that uniquely and severely impacts Aboriginal girls and women, in terms of how women experience violence. This not simply a West Coast issue and not simply a DTES issue. This is an issue which plagues and deeply affects all Canadians and all areas of Canada.

BWSS recommends that a combined fact-finding and policy-based mandate within the Royal Commission on Violence Against Aboriginal Girls and Women. Under the fact-finding mandate, the Commission should include Aboriginal and/or woman chief commissioner(s), along with an Aboriginal youth council, infusing the inquiry with both Aboriginal, woman and girl perspectives. Our initial discussion about this Royal Commission reflected the following focus:

- 1. The investigation of cases of missing and murdered Aboriginal girls and women across Canada and the response of the designated policing agencies and the Canadian, provincial and territorial governments more broadly;**
- 2. The fulfillment of the needs of the families of missing Aboriginal girls and women and families of murdered Aboriginal girls and women, as each of their needs are different;**
- 3. The empowerment of Aboriginal girls and women;**
- 4. Affirming Gender-balance and Healing;**
- 5. The judicial and law enforcement systems within Canada;**
- 6. The generation of broader awareness and understanding surrounding the challenges facing Aboriginal women and girls in Canada;**
- 7. The allocation of resources to the investigation and determination of the identity of perpetrators of violence against Aboriginal girls and women;**
- 8. The investigation of cases of missing and murdered girls and women across Canada and the relationship to, if any, and the response of, if applicable, the provincial and territorial ministries responsible for child and family services including foster care.**

Historically, Canada has engaged actively in the inquiry process and utilized the recommendation of various inquiries to shape important public policy. The Royal Commission on Aboriginal Peoples (RCAP) was established in 1991 with a mandate to restore justice to the relationship between Aboriginal and non-Aboriginal people in Canada through developing foundations of a fair and honourable relationship between Aboriginal and non-Aboriginal people.

Highlights of the RCAP process include:

Consultation with national and regional Aboriginal groups, leaders in various fields, federal and provincial politicians and a variety of experts in the development of the TOR

Involvement of four Aboriginal commissioners and three non-Aboriginal commissioners

Public hearings over the course of 178 days, in which 96 communities were visited across Canada

Briefs were received from 2,000 people and more than 350 research studies commissioned.

In Volume 3, Chapter 2 of RCAP, there was mention of Family Violence and recommendations regarding changes to Family Law. In Volume 4, Chapter 2 of RCAP, there was mention of Women's Perspectives and recommendations for Aboriginal women's organizations to receive funding to participate in Nation building, to participate in health institutions and to do an inventory of Aboriginal women's groups.

The federal government formally responded to the recommendations within the *Report of the Royal Commission Report on Aboriginal Peoples* on January, 7, 1998 with *Gathering Strength: Canada's Aboriginal Action Plan*. Several objectives were tabled from the report and funding allocated for targeted areas of concern. However, according to the Assembly of First Nations report, *Royal Commission of Aboriginal People at 10 Years: A Report Card*, there has been a clear lack of action with respect to key elements of the RCAP recommendations.

There has definitely been no clear action with respect to addressing or to preventing violence against Aboriginal women and girls. The violence is not only internally within First Nations communities, but it is also occurring in urban areas.

Battered Women Support Services is recommending a specific Royal Commission on Violence Against Aboriginal Girls and Women to address the gaps and to address issues affecting Aboriginal women and girls, but to also make concrete and specific recommendations to end violence against Aboriginal women and girls at a national level.