

Summary and Recommendations



The Tachie reserve in northern British Columbia. In Carrier, the indigenous language in Tachie and many indigenous communities in northern BC, the literal translation of the word for police is “those who take us away.” An RCMP report on the historical involvement of the police in Canada’s residential school system found that “The police were not perceived as a source for help but rather as an authority figure who takes members of the community away from the reserve or makes arrests for wrong-doing.”



THOSE WHO TAKE US AWAY

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(right) A woman wears a T-shirt with a slogan about police brutality in Prince George, British Columbia. In ten towns across northern British Columbia, Human Rights Watch documented failures in policing and protection of indigenous women and girls. July 2012.

On December 5, 2012, a man walking his dog found the murdered body of 16-year old Summer Star (C.J.) Fowler in a ravine near the British Columbia (BC) town of Kamloops.¹ The Gitanmaax² teenager from Hazelton in northern BC, remembered as a sweet girl with a beautiful smile by her family, had been visiting friends a few days previously and was just hours away from taking a bus back home when she disappeared and was ultimately killed in circumstances still under investigation by police.³ Speaking at a news conference, her father said, “We would just like to stop this violence ... We want some answers and we don’t want this case to be another they stick under the rug.”⁴







(above) Photographs of a 17-year old girl's injuries after a member of the Royal Canadian Mounted Police repeatedly punched her while she was handcuffed in British Columbia in 2011.

(left) Dog bite wounds are shown on the left leg of a 12-year old girl who was attacked by a police dog in 2012 when police searched for and arrested her after she was reported to have sprayed someone with bear mace. [Photos provided by the girl's mother to Human Rights Watch for publication.]

(opposite page) A community worker in a northern British Columbia town holds underwear that she distributes to women on the street, some of whom reported to her having been raped by police and having their underwear taken.

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C.J. Fowler is just one of several hundred indigenous women and girls who have been murdered or gone missing across Canada over the last several decades. By the time government funding for data collection on missing and murdered indigenous women and girls ended in 2010, the Native Women's Association of Canada (NWAC) had documented 582 such cases nationally. Many happened between the 1960s and the 1990s, but 39 percent occurred after 2000, or about 20 a year. If women and girls in the general Canadian population had gone missing or been murdered at the same rate, NWAC estimates the country would have lost 18,000 Canadian women and girls since the late 1970s.

The province of British Columbia has been particularly badly affected by violence against indigenous women and girls and by the failure of Canadian law enforcement authorities to deal with the phenomenon. Cutting through the small communities policed by the Royal Canadian Mounted Police (RCMP) in northern BC is the Highway of Tears, a 724-

kilometer stretch of road which has become infamous for the dozens of women and girls who have gone missing or been murdered in its vicinity.

The high rates of violence against indigenous women and girls have drawn widespread expressions of concern from national and international human rights authorities, which have repeatedly called for Canada to address the problem. But these calls for action have not produced sufficient change and indigenous women and girls continue to go missing or be murdered in unacceptably large numbers.

The failure of law enforcement authorities to deal effectively with the problem of missing and murdered indigenous women and girls in Canada is just one element of the dysfunctional relationship between the Canadian police and indigenous communities. This report addresses the relationship between the RCMP and indigenous women and girls in northern BC and documents not only how indigenous women and girls are under-protected by the police but also how some have been

the objects of outright police abuse. The report further documents the shortcomings of available oversight mechanisms designed to provide accountability for police misconduct and failure to protect.

In ten towns across the north, Human Rights Watch documented RCMP violations of the rights of indigenous women and girls: young girls pepper-sprayed and Tasered; a 12-year old girl attacked by a police dog; a 17-year old punched repeatedly by an officer who had been called to help her; women strip-searched by male officers; and women injured due to excessive force used during arrest.

Human Rights Watch heard disturbing allegations of rape and sexual assault by RCMP officers, including from a woman who described how in July 2012 police officers took her outside of town, raped her, and threatened to kill her if she told anyone. Human Rights Watch strongly urges an independent civilian-led investigation of these allegations with the aim of achieving criminal accountability for the alleged crimes. Human Rights Watch would eagerly cooperate with such an investigation to the extent we are able to without compromising the safety and privacy of victims.

For many indigenous women and girls interviewed for this report, abuses and other indignities visited on them by the police have come to define their relationship with law enforcement. At times the physical abuse was accompanied by verbal racist or sexist abuse. Concerns about police harassment led some women—including respected community leaders—to limit their time in public places where they might come into contact with officers. The situations documented in this report—such as a girl restrained with handcuffs tight enough to break her skin, detainees who had food thrown at them in their cells, a detainee whose need for medical treatment was ignored—raise serious concerns about tactics used in policing of indigenous communities in BC and about the police's regard for the well-being and dignity of indigenous women and girls.

Incidents of police abuse of indigenous women and girls are compounded by the widely perceived failure of the police to protect women and girls from violence. Not surprisingly, indigenous women and girls report having little faith that police forces responsible for mistreatment and abuse can offer them protection when they face violence in the wider community. As a community service provider told Human Rights Watch, “The most apparent thing to me is the lack of safety women feel. A lot of women, especially First Nations women we see never feel safe approaching the RCMP because of the injustices they’ve experienced ... The system is really failing women.”

One aspect of this is the apparent apathy of police towards the disappearances and murders of indigenous women and girls that has been such a persistent and well-publicized stain on Canada’s human rights record. Less well-publicized but



Two unidentified women hitchhike
in northern British Columbia.



equally pernicious have been the shortcomings of the police in their response to domestic violence.

The RCMP has instituted progressive policies addressing violence in domestic relationships, but it appears the police do not apply those policies consistently when policing in indigenous communities. According to survivors of domestic violence and the community service providers who work with them, indigenous women and girls often do not get the protection afforded by these policies. Women who call the police for help may find themselves blamed for the abuse, are at times shamed for alcohol or substance use, and risk arrest for actions taken in self-defense. Similarly, despite policies requiring active investigation of all reports of missing persons, some family members and service providers who had made calls to police to report missing persons said the police failed to promptly investigate the reports.

When they experience abuse at the hands of the police or when the police fail to provide adequate protection, women and girls have limited recourse. They can lodge a complaint with the Commission for Public Complaints against the RCMP, but the process is time consuming and the investigation of the complaint will likely fall to the RCMP itself or an external police force. Fear of retaliation from police runs high in the north, and the apparent lack of genuine accountability for police abuse adds to long-standing tensions between the police and indigenous communities. The title of this report “Those Who Take Us Away,” is a literal translation of the word for police in Carrier, the language of a number of indigenous communities in northern BC.

The Independent Investigations Office (IIO), a recently established provincial mechanism for civilian investigation of police misconduct, offers some promise, but most complaints will fall outside the office’s mandate, which is limited to incidents involving death or certain serious bodily injuries. The exclusion of rape and sexual abuse from this definition represents an unacceptable discriminatory omission on the part of the provincial legislature. It sends a loud message that assaults on women are not important.

Canada has strong legal protections around violence against women and the federal and provincial governments have made some attempts to address murders and disappearances of indigenous women through studies, task forces, and limited funding initiatives. However, the persistence of the violence indicates a need for deeper, coordinated interventions to address the systemic nature of the problem.





In northern British Columbia, a highway sign warns girls of the dangers of hitchhiking along the Highway of Tears.



At a community center in Prince George, BC, Georgia I. (a pseudonym) said that she was raped by a member of the Royal Canadian Mounted Police almost 40 years ago as a 16-year old returning home from a pizza parlor. "I'm looking at filing an application to the Attorney General about the rape. He [the perpetrator] is still on the force...how many other young girls has he hurt, as he hurt me?"



A photo hangs in Phoenix House, a women's crisis shelter in Prince George, British Columbia, honoring Celynn Cadieux. Cadieux, now deceased, spoke out against the child sexual exploitation she and others experienced by provincial court judge David Ramsay, who died in jail after pleading guilty in 2004 to sexual assault, breach of trust, and buying sex from a minor.



A swing set stands on the former grounds of the Lejac Residential School, one of the compulsory boarding schools for indigenous children that operated until 1976 and a site of reported sexual and physical abuse.



A woman from Haida Gwaii said police detained her as a child in Prince Rupert and then shipped her to Port Alberni residential school where she survived physical and sexual abuse. "The cops took me right off the streets ... I was walking home ... I always remember, it was 5 after 9.... The cops grabbed me, threw me in their car. Grabbed me by the hair, threw me into their cell, and I was in there for about three days, almost got raped by a couple of ladies.... This was in the 50s. I got shipped to Port Alberni then."



Mabel Jack holds up a photograph of her son and his family who have been missing since 1989. “I want everyone to know what happened to my family.... I still miss them. Some people—friends—they ask me how I am. I said, “I’m okay, but I’m not ... I hurt more than anybody else.”



Community members participate in a spirit healing walk in Burns Lake, British Columbia, in remembrance of missing and murdered women.



In Terrace, British Columbia, a woman discusses how police told her it was “too early” for them to do anything when she reported that her grandniece (whom she considers her granddaughter) had been missing for 14 hours. She said she told the police: “There are enough girls missing out there already, I want to know where my granddaughter is.”



A woman shows a paper she has kept displaying the photos of women, some of whom she knew, who disappeared from the downtown eastside of Vancouver, British Columbia, in the 1990s.



The memorial stone for the Downtown Eastside's missing and murdered women located in Crab Park, Vancouver. The stone reads: "The heart has its own memory, dedicated July 29 2007. In honor of the spirit of the people murdered in the Downtown Eastside. Many were women and many were Native aboriginal women. Many of these cases remain unsolved. All my relations."

¹"National chief keeps up calls for inquiry after aboriginal B.C. teen's murder," *Canadian Press*, December 9, 2012, <http://www.globaltvbc.com/national+chief+keeps+up+calls+for+inquiry+after+aboriginal+bc+teens+murder/6442768931/story.html> (accessed December 17, 2012).

² Fowler was from the Gitanmaax First Nation, an indigenous community in northern British Columbia.

³ "Funeral for slain First Nations teen Thursday," *CBC News*, December 20, 2012, <http://www.cbc.ca/news/canada/british-columbia/story/2012/12/20/bc-cj-fowler-kamloops.html> (accessed January 2, 2013).

⁴ John Colebourn, "Grieving parents of murdered teen appeal for witnesses to come forward," *The Province*, December 12, 2012, <http://www.theprovince.com/news/Grieving+parents+murdered+teen+appeal+witnesses+come+forward/7690642/story.html#ixzz2GqgcVoFv> (accessed January 2, 2013).

RECOMMENDATIONS

TO THE GOVERNMENT OF CANADA

- Establish a national commission of inquiry into the murders and disappearances of indigenous women and girls before the end of 2013; ensure the inquiry's terms of reference are developed with leadership from affected communities and that they include the examination of the current and historical relationship between the police and indigenous women and girls, including incidents of serious police misconduct, and the systemic socio-economic marginalization of indigenous women and girls that predispose them to high levels of violence;
- With leadership from indigenous communities, develop and implement a national action plan to address violence against indigenous women and girls that addresses the structural roots of the violence as well as the accountability and coordination of government bodies charged with preventing and responding to violence;
- Establish independent civilian investigations of reported incidents of serious police misconduct, including incidents of rape and other sexual assault, in all jurisdictions;
- Cooperate with the United Nations Committee on the Elimination of Discrimination against Women's inquiry into the issue of missing and murdered indigenous women and girls, including by granting permission for a site visit, and provide similar cooperation to other international human rights bodies that may seek to engage the government on these issues;
- Ratify the American Convention on Human Rights and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Convention of Belém do Pará).

TO THE PROVINCIAL GOVERNMENT OF BRITISH COLUMBIA

- Ensure that a public inquiry takes place into the violence experienced by indigenous women and girls in northern British Columbia. The inquiry could be part of a national commission of inquiry or a standalone inquiry for the province. The inquiry should include both the murders and disappearances of indigenous women and girls along Highway 16 and police abuse of indigenous women and girls. The inquiry's terms of reference should be defined in cooperation with indigenous communities, and adequate financial and victim supports for non-government community participation and interests should proportionately equal those provided for government and police;
- Expand the mandate of the Independent Investigations Office to include authority to investigate allegations of sexual assault by police;
- Provide adequate shelters and social services for victims of violence, including in rural areas and with specific culturally-sensitive services;
- Renew the commitment to implementing the recommendations of the 2006 Highway of Tears Symposium, updated, as necessary, in cooperation with northern indigenous communities;
- Expand non-incarceration options for publicly intoxicated individuals, including sobering centers where medical personnel can provide appropriate care.

RECOMMENDATIONS

TO THE ROYAL CANADIAN MOUNTED POLICE

- Collect and make publicly available (as ethically appropriate) accurate and comprehensive, disaggregated data that includes an ethnicity variable on violence against indigenous women and girls in cooperation with indigenous community organizations and the National Centre for Missing Persons and Unidentified Remains (NCMPUR); the development of NCMPUR should be part of a national RCMP strategy for the elimination of violence against indigenous women and girls that ensures consistency in data collection, immediate reporting, and access to information by police, coroners, and medical examiners;
- Expand training for police officers to counter racism and sexism in the treatment of indigenous women and girls in custody and to improve police response to violence against women and girls within indigenous communities; such training should be developed through collaboration between indigenous and human rights organizations, the Canadian Police College, and the Department of Public Safety Canada; and focus specifically on Canada's colonial history that has predisposed indigenous women to suffer from gross levels of violence and on human rights norms, including women's and girls' rights to live free from violence and discrimination and be treated with dignity and respect in custody;
- Ensure that properly trained officers are stationed at detachments in the north for a sufficient amount of time to develop strong relationships with the local community;
- Eliminate searches and monitoring of women and girls by male police officers in all but extraordinary circumstances and require documentation and supervisor and commander review of any such searches; prohibit cross-gender strip searches under any circumstances;
- Prohibit the use of conducted energy weapons (Tasers) on youth and re-examine the rules for the use of police dogs and pepper spray on youth with a view to limiting their use to extraordinary circumstances that are then documented and subject to supervisor and commander review; all RCMP and municipal police policies on conducted energy weapons, police dogs and pepper spray should be made publicly accessible;
- Enforce existing rules mandating that parents or guardians be contacted immediately in the case of their child's arrest and that youth not be detained in cells with adults or children of the opposite sex;
- Consider, in consultation with indigenous communities in northern British Columbia, changing the criteria for cases to be investigated by the E-PANA task force to include a greater number of the murders and disappearances of women in the north;

- Develop a timeline for NCMPUR to complete and implement specialized and standardized protocols for police response when indigenous women and girls are reported missing or found murdered; these protocols should be part of the national RCMP strategy and be made in cooperation with indigenous organizations; protocols should include:
 - Oversight and accountability mechanisms that track a police investigation of a missing or murdered indigenous woman or girl from the time such an incident is reported;
 - Clear, publicly available communication standards for informing family and the general community about the progress of an investigation as it proceeds, and what they can or are expected to do to contribute to an investigation during its different phases;
 - Goals to involve an Aboriginal liaison officer in all cases of missing and murdered indigenous women and girls to work with affected families and the police;
 - Goals to review police response to missing and murdered indigenous women and girl cases at regular intervals to compile and make public a report on best practices and lessons learned that can then contribute to more successful police investigations and community response in the future.

TO THE UN HUMAN RIGHTS COUNCIL

- Raise the issue of violence against indigenous women and girls in Canada as part of the United Nations Human Rights Council's Universal Periodic Review;
- Encourage Canada to launch a national inquiry into the murders and disappearances of indigenous women and girls.