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Standing Committee on Justice, Human Rights,
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Chair

Mr. John Maloney

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• (1745)

[English]

The Chair (Mr. John Maloney (Welland, Lib.)): I'd like to call the meeting of the Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness to order.

Our witnesses this evening are, from the Native Women's Association, Beverley Jacobs, and from Amnesty International Canada, Cheryl Hotchkiss.

The routine generally is that we ask for a presentation of approximately ten minutes, up to ten minutes, followed by questions and responses. The questions from our members of Parliament are roughly seven minutes for the first round, and then we'll go to three minutes for the second round—as long as our time allows us to do it. The times given are for questions and answers.

I would ask Beverley Jacobs to start, please, and welcome to both of you.

Ms. Beverley Jacobs (President, Native Women's Association of Canada): *Ske:noh Swagwegoh, Nyigyasoh Gohwehgyusay*—I bring greetings of peace and wellness to all of you. As well, I provide you with my name in my language—*Gohweguysay*—which means “she is visiting”.

I've come here to visit you to bring to your attention the issues that are impacting aboriginal women in Canada and to provide solutions to address these issues. I am the president of the Native Women's Association of Canada, and I thank the subcommittee for ensuring that I am here and able to speak to you about these pressing and critical issues affecting aboriginal women.

The Native Women's Association of Canada is celebrating its 31st year this year and has been consistent in its role of advocating for aboriginal women in Canada. It is recognized as one of the five national aboriginal organizations in Canada. We have provincial and territorial member associations across the country with youth and elders councils as board members. We work towards the collective goal to enhance, promote, and foster the social, economic, cultural, and political well-being of aboriginal women in Canada.

Our mission is to help empower women by being involved in developing and changing legislation that affects them and by involving them in the development and delivery of programs promoting equal opportunity for aboriginal women.

There are many issues that aboriginal women are facing and that we, as a national women's organization, are addressing on a daily basis. I receive telephone calls asking for support because many of our women feel so alone in their own fight for justice in their own communities. Some of our women are not able to voice or bring forward issues that affect them because they are silenced. It is therefore my job to ensure that these issues are presented to you to ensure that our women are no longer marginalized and that they feel safe enough in their own homes and communities.

We've had a long record of seeking to change conditions affecting the quality of life for aboriginal women. We have particular interest in seeking justice for aboriginal women who are victims of racialized and sexualized violence and who are having to live in poverty and in continued marginalization.

First of all, prior to talking and focusing on the solicitation laws, I wanted to broaden the discussion by talking about these women who are involved in the sex trade. There are underlying issues that also need to be addressed.

In our communities, aboriginal women are the backbone. They are the nurturers, the caregivers, and the strength in any family. They are the traditional teachers and the educators of our babies and our young people. The impact of colonization has affected aboriginal peoples, and specifically aboriginal women, very negatively in this country. Aboriginal women living in Canada now are the marginalized of the marginalized.

The impact of colonization on our women has affected our traditional governance as a result of the forced Indian Act, what I would call—what we call—legalized racism. As a result of the lost generations under the Indian Act through residential schools, the child welfare system, and the justice system, we are dealing with cultural genocide. We're dealing with a lack of adequate housing, and we're dealing with issues of inequality for aboriginal women living on reserve as a result of matrimonial property laws.

We need to discuss these issues with these holistic approaches, to talk about poverty issues, self-esteem issues, the lack of skills, addictions, gang involvement, and the socio-economic issues. We are also talking about violence. Violence against aboriginal women in this country is at its most critical level.

• (1750)

Aboriginal women suffer from all the social, economic, cultural, political, and civil problems that breed violence, such as post-colonial structural inequalities; racialized and sexualized violence; low education and employment rates; low levels of political participation; low levels of sexual and reproductive health programs and correspondingly high rates of HIV-AIDS and other sexually transmitted infections.

High rates of violence by aboriginal women have a negative impact on our aboriginal children and youth, which has the effect of perpetuating the cycle of violence through youth involvement in gangs and street exploitation, for example.

Gendered racism is in part responsible for such high rates of violence against aboriginal women within their own communities. If aboriginal women were valued, the high rates of violence against them would not be tolerated in any community. This pattern of oppression occurs in aboriginal communities in urban and rural areas. Aboriginal women are objectified and abused based on their status in society. Aboriginal women are specific targets of violence and abuse.

Our organization has estimated that over 500 aboriginal women have gone missing or been found murdered in this country. Despite these shocking numbers, society remains silent. In the city of Vancouver alone more than 70 women have gone missing in the downtown east side, with at least one-third of them being aboriginal women—and most of them are young. Most were poor women involved in the sex trade. They struggled with drugs and alcohol. Some suffered from the effects of FAS, and many were victims of childhood sexual abuse. Some were residential school survivors, and some of them grew up in foster homes. In other words, their lives bore all the markings of the violence of colonization.

In response to the issues of violence against aboriginal women and to these critical numbers of aboriginal women going missing and being murdered, we have launched our Sisters in Spirit campaign, focusing on our aboriginal mothers, sisters, aunts, cousins, grandmothers, daughters. We've called on the Canadian government to fund research and education campaigns to end this violence. It is an initiative by and for aboriginal women, for our families and for our communities.

Violence allows perpetrators to be free. It allows them to do whatever they do as perpetrators and has created child pornography. All of this is related to a lack in the criminal justice system, to its history of failure in regard to aboriginal peoples. We all know that there have been royal commissions, federal task forces, and provincial inquiries all across the country that have said the criminal justice system has failed aboriginal people.

There's a lack of trust as a whole by aboriginal people, and when it comes down to women who are living on the streets, there's no trust at all. The first part of the criminal justice process for them is dealing with the police, who have been part of the problem. Because a lot of women on the streets do not report incidents of violence, there's no safety.

We all have to deal with these issues of violence against aboriginal women. So when it comes down to specifically looking at the issues

of decriminalizing or changing the solicitation laws, it's our position that—when we're dealing with the decriminalization of prostitution, when we're looking specifically at sex trade workers—there are reasons why women are having to sell sex that relate to issues of poverty and marginalization, whether it's for economic necessity or for basic survival.

One of the issues that we need to address is to alleviate the victimization of young women and children who are in the sex trade. We need to ensure continued protection of these young people, including both men and women who are involved in prostitution. We cannot make criminals out of victims. Also, our position is that women have choices. If they have a choice to be a scientist, to be a lawyer, to be a doctor, they have a choice to become a sex trade worker; if that's the choice they make, then they should not be criminalized for it.

• (1755)

Our position is to continue the criminalization of the buyers of sex through prostitution, because we're dealing with an unsafe situation. That violence stems from these unsafe situations. We must ensure that the offences against the buyers of sex, who are usually men, are enforced.

Policies and programs such as health services and social services affecting aboriginal women must be implemented. Amnesty International recommended an end to the marginalization of indigenous women in Canada. It spoke to the need for all levels of government to “adopt such measures as are necessary to ensure that indigenous women are consulted in the formulation and implementation of any policy that could affect their welfare and status”.

Aboriginal women are still missing and are dying every day as a result of violence. Our campaign began on March 22, 2004, and just in the last year since that time, 32 aboriginal women have gone missing or been found murdered—just since March 2004. So this is a very urgent and critical issue in providing safety to aboriginal women.

Aboriginal communities, families, and individuals need culturally based counselling, and they need resources. We also need our elders to be recognized as our traditional teachers and utilized as our resources. Sometimes mainstream counselling does not work. There also has to be increased advocacy within cabinet and by politicians to support aboriginal women's initiatives; to support and fund programs; to assist aboriginal peoples, and women, specifically, to get off the street; to assist them with their self-esteem and their whole identity, because that's what this is about, ensuring that they have a positive identity and pride in where they come from.

We also need to look at supporting and funding safe houses for aboriginal communities, aboriginal women.

It is important that the socio-economic marginalization and violence be adequately addressed for real change in aboriginal women's lives. We demand basic human rights for our women and children.

Thank you for listening.

The Chair: Thank you, Ms. Jacobs.

Ms. Hotchkiss.

Ms. Cheryl Hotchkiss (Women Human Rights Campaigner, Amnesty International Canada): On behalf of Amnesty International, I'd like to thank the committee for this opportunity to highlight some of our concerns regarding the pattern of discrimination against indigenous women in Canada, and particularly those who are working in the sex trade.

My comments are going to be relatively brief for two reasons. Amnesty International takes no position on the issue of prostitution specifically, and Amnesty has limited knowledge of the sex trade in Canada and other countries. While we have documented some cases of violence against indigenous women working in the sex trade in our report, *Stolen Sisters: Discrimination and Violence Against Indigenous Women in Canada*, our report is by no means comprehensive. It shows the beginning of what we believe is a significant pattern of discrimination against indigenous women in Canada, which Beverly Jacobs has already delineated for you.

In the context of our international Stop Violence against Women campaign, Amnesty has documented the scope and nature of violence against women who are living and working in areas and professions that greatly increase their risk of experiencing violence. This research includes that on women who, due to limited choices for employment, turn to the sex trade industry to earn an income to support themselves and their families. Women, regardless of their identity or identities, their race, religion, or sexual orientation, continue to experience high degrees of overt or covert discrimination in our society. This places them in a subordinate position, and as a result this increases the likelihood that they will experience violence.

The Declaration on the Elimination of Violence Against Women from 1993 delineates the relationship between violence and discrimination and calls violence against women "a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women".

Violence is one of the crucial social mechanisms by which women are forced into positions subordinate to men. Women who work in the sex trade maintain very little power in their relationships with possible clients, police, and the criminal justice system because of the prevailing attitudes and beliefs that are present in society as a whole regarding women in this trade. Women in this industry are perceived to be of less value than others, and therefore to be deserving of very little respect. Indigenous women, regardless of their employment, are subject to high degrees of discrimination because of prevailing attitudes towards Canada's first nations peoples. Where there is an intersection between identities, such as in the case of an indigenous woman who is a sex trade worker, the layers of discrimination are complex and multifarious.

This discrimination results in a lack of adequate support and protection by the police and the criminal justice system when a sex trade worker, and particularly an indigenous sex trade worker, is the victim of violence or threats of violence. The threat of arrest makes many of these women reluctant to report attacks to the police or to cooperate with police investigations. As a result, the perpetrators of acts of violence against these women may be encouraged by the belief that they are likely to get away with their crimes.

Organizations that Amnesty has consulted in the context of our report, such as the PACE Society in Vancouver, and academics such as Professor John Lowman, have studied in significant detail the numbers of ways in which sex trade workers, particularly those who solicit on the streets, are at heightened risk of violence. It is Amnesty's contention that regardless of a woman's employment, ethnicity, race, religion, or any other identity, she must not be subjected to discrimination in any form. The Convention on the Elimination of All Forms of Discrimination against Women, which Canada has ratified, demands that state parties condemn all forms of discrimination and take appropriate measures to eliminate discrimination against women by any person, organization, or enterprise.

Amnesty International is of the view that women who work in the sex-trade industry, particularly indigenous women and visible minority women, experience a high degree of discrimination. We documented cases of indigenous women working in the sex trade who were identified as missing and who did not receive adequate attention and protection from the police or the criminal justice system because they were indigenous and they were sex trade workers.

● (1800)

During the trial that dealt with the death of Pamela George, little attention was given to the life of the victim apart from the fact that she was working in the sex trade. The crown prosecutor told the jury that Pamela George lived a life far removed from theirs, and they would have to consider the fact that she was a prostitute as part of the case. Mr. Justice Malone instructed jurors before their deliberations to bear in mind that Pamela George was a prostitute when they considered whether or not she consented to sexual activity. The court of appeal made a decision that considered the prosecutor's and judge's comments, and concluded that they were not made for the purposes of conveying a negative view of the victim to the jury.

Another example of discriminatory attitudes toward indigenous women who are working in the sex trade came to us from Barb Lawrence, the executive director of Regina's sex workers advocacy project. In this case, 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 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 prosecutors went to the police station to meet the woman, the arresting officer reported they had no reason to believe the woman's claims, saying "She's just a hooker on the street".

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 industry was starkly noted by Justice David Wright in the 1996 trial of John Martin Crawford for the murder of three indigenous women in Saskatchewan.

Justice Wright says:

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.

The attitudes of the general public, police, and courts toward women working in the sex trade suggest that they see these women of less value or importance than other members of society. Regardless of what a woman is doing to earn an income, she must be provided with adequate protection from experiencing grave human rights violations, which may ultimately result in her death.

Thank you for this opportunity to speak with you about this particular issue.

• (1805)

The Chair: Thank you very much, Ms. Hotchkiss.

Mr. Hanger, you have seven minutes, please.

Mr. Art Hanger (Calgary Northeast, CPC): Thank you, Mr. Chair.

I'd like to thank both of you for your presentations.

I am particularly interested, Ms. Jacobs, in your comments regarding the relationship with various police departments throughout the country. I know there is a concern there. Since your organization has come into being, and with the information, contacts, and presentations that you have made, has there been any change in attitude or direction or initiatives by police departments or organizations—directed through prosecutors' offices or elsewhere—to change this, or mend some of these fences, or build some bridges?

Ms. Beverley Jacobs: I'd have to say that in our initial one-year campaign the only positive contact we've had is with the aboriginal policing in the RCMP. The head of that department is an indigenous woman, a Mohawk woman, so we've had discussions about developing protocols.

One of the processes involved in the Sisters in Spirit initiative is to develop the protocols with the various police departments, because we're dealing not only with the RCMP, but also with municipal police and first nations community police. So we have to create those relationships and protocols with the police on how we're going to deal with the cases so far, and with the ones we know are going to come forward once this is public and once we obtain the funding from the federal government.

I'd have to say that in the discussions we've had with the families of the missing and murdered women, in the work I did with Amnesty and currently with the Native Women's Association of Canada, having families come in to talk about the issues affecting their family members, that was one of the main issues they talked about, the lack of trust they have in the police, and not just trust, but the lack of relationship and the lack of information they get. I would say all of them have had to deal with some negativity when it comes to the relationship with the police. In some instances, when they reported their daughter or their mother being missing, they were actually the ones being interrogated. So the message that's created at that level....

We have a moccasin telegraph in our communities, so when things like that happen, everybody knows. Everybody knows what

happens. Everybody knows the relationship. Everybody knows that if one family isn't able to address a missing person in a positive way and do something immediately...not everyone is going to bring it forward. That's the problem we're dealing with.

• (1810)

Mr. Art Hanger: We're talking about relationships with native peoples within our cities, and maybe some rural areas as well, and then within the reserves with tribal police. Is anything any better there? Is there anything that you have seen or researched or determined to see that these barriers between the tribal police and those within the reserve areas...? Is it functioning well, or is there still this reluctance to approach that authority?

Ms. Beverley Jacobs: We haven't done that specific research yet. That's something we wanted to achieve in the campaign, to find out what those relationships are. Because in some communities it is good, and in some communities it isn't. So we don't know yet, and that's the gap. That's what exists right now—there is no information.

Mr. Art Hanger: It probably depends on what council is in effect and the relationship that council has with the police, whether it's tribal or whoever, as far as the freedom that even those officers might have is concerned, I would think. I've seen a variance there myself. It's anecdotal, but I know it exists that way.

When it comes to violence on the street with aboriginal women, you put out a figure that of the 70 women who are missing, for instance, in the lower mainland, 30 are aboriginal, which is a very high number, really, when you look at all those who went missing. In your opinion, does that mean there are that many more aboriginal women on the street? Is that the kind of ratio we're looking at, or do we know?

Ms. Beverley Jacobs: I don't think we know that information. And I don't want to say—

Mr. Art Hanger: I'm talking about on the street, involved in street prostitution, for instance.

Ms. Beverley Jacobs: I don't think I could answer that. That's something that—

• (1815)

Mr. Art Hanger: Maybe the police department could.

Ms. Beverley Jacobs: Yes. One of the things that I missed in my presentation—I just went back over my notes—is that prostitution isn't occurring just on the streets. Prostitution is occurring in homes. They're dealing in hotels, casinos, and different places.

So basically I think what we're talking more about is sexual exploitation, especially with aboriginal women who are marginalized. Because a lot of those women who are involved in the sex trade are doing it because they're either trying to put a roof over themselves or to feed their kids. Sometimes—and I've heard these stories—women have had to return sexual favours to their landlords to pay for rent so that they have a home.

Also, there are the young people, the children on the street. We're not talking just about older women or women who are of age; we're talking about children who are on the streets as well, and men who are preying on those children. Those men who are preying on children are called pedophiles. That to me is sexual exploitation at its worst.

Mr. Art Hanger: Well, I certainly agree with you on that.

The Chair: Madam Brunelle, for seven minutes, please.

[*Translation*]

Ms. Paule Brunelle (Trois-Rivières, BQ): Good morning, Ms. Jacobs. It's a pleasure, as always, to see you.

Good morning to you as well, Ms. Hotchkiss. I've had the pleasure of meeting you on several occasions at the Status of Women Committee. I greatly admire your courage and determination to carry on, despite everything, with your quest to improve the lives of aboriginal women. We certainly need to hear from you to gain an awareness of all the problems you face.

The Association claims that over the past 20 years, 500 women have either been murdered or have gone missing under violent circumstances. I recall reading — I believe in a report tabled by Amnesty International - that identification was a problem. When a woman died or disappeared, law enforcement agencies did not identify that woman as an aboriginal. Therefore, it was difficult to know exactly how many aboriginal women had died under similar circumstances.

Has this problem been addressed? Can you tell us how you came up with the estimate of 500 women?

[*English*]

Ms. Beverley Jacobs: With respect to identification of native women, specifically, I don't think the police reports always identify that they're aboriginal women. And sometimes, if they do, that's what the papers pick up—it's a native prostitute, a native drug addict, or a native alcoholic. So already society looks at it as something it doesn't really have to deal with. That's the issue we're dealing with, the inherent racism.

The estimate of 500 came from a broad anecdotal review of newspaper articles and websites that are dealing with the missing and murdered women. So it's just a broad-stroke number that was chosen because it was part of what we had decided in our estimations from looking at newspaper articles and websites. We are actually estimating it as a low number based on what I said earlier, because a lot of aboriginal families are not even reporting to the police because of the lack of trust and relationship.

[*Translation*]

Ms. Paule Brunelle: We've had occasion to discuss the Sisters in Spirit Campaign. At the time, your organization was seeking financial assistance. The problems affecting aboriginal women call for more public education and an end to racism. Clear action is needed to address a range of problems.

Have you managed to find the necessary funding for this campaign? Are you already starting to see some results or, at the very least, some glimmer of hope?

• (1820)

[*English*]

Ms. Beverley Jacobs: We have received from the Department of Indian Affairs an initial \$150,000 to the end of March. This is to develop a five-year work plan for \$5 million over five years. Our campaign was for \$10 million, and we had submitted a proposal for \$10 million over two years. So what came back to us was \$5 million

over five years. Our board accepted it and we are now at the stage of working on the \$5 million work plan. But it has been a constant struggle for us up to this point.

We can talk about moneys that have been wasted by the federal government and what has been happening with many different inquiries that are going on and the moneys that have been lost. We're talking here about 500 lives. It's an atrocity. It's a critical issue that needs to be addressed. It's not a lot of money for a national organization, because it ends up being \$1 million per year. That doesn't spread very far for our 13 provincial and territorial member associations.

Our provincial and territorial organizations are the front-line organizations that provide services to aboriginal women in their communities. They're the communities. So when we requested the funding and asked for the original \$10 million, that's what we wanted. But the way it is now, we're going to have to try to sort out how this is going to directly help the families of the missing and murdered women. We've created in the work plan educational workshops for the public—whether it's government, schools, or aboriginal communities.

On the research, we'll be developing a research tool to gather the life histories of the women we'll be documenting, much like what we did with Amnesty in getting information from the families of the missing and murdered women. We'll also be developing policies on the changes that are needed to address violence against aboriginal women.

Another aspect is sustainability and how we continue this, because it's not going to end after five years. Violence is not going to end. We're hoping it will end, but we know that in reality we're dealing with a huge issue. We're dealing with racism and inherent discrimination within various systems.

We know it's a huge issue. It isn't just happening to women in Canada. In the work we've been doing internationally with women from Peru, Guatemala, Mexico, Australia, and New Zealand, we're finding it's a global issue.

The Chair: Ms. Davies is next, for seven minutes.

Ms. Libby Davies (Vancouver East, NDP): First of all, thanks to both of you for coming today. I really appreciate your being here and providing excellent presentations. They were very thoughtful and raise huge issues about what is going on here.

Beverley, you spoke about what has happened and the 500 missing women. I and many people fear that is a very conservative estimate. It becomes very clear that if any other group in our society had gone missing and been murdered at this rate...well, it wouldn't have happened. So it does raise a lot of questions about what is going on here.

A number of witnesses have actually put forward what was said by the Green River killer, that these women were targeted because they were invisible, criminalized, poor, and no one would know they were missing. It would not be followed up, therefore there was this sense of licence to basically murder women. We can say that's an evil person, but if you follow that all the way down the line it captures everybody at various levels, whether it's society in general or the police. So I think you've really brought that out today.

There are just so many different levels that we have to now respond to. The law is one of them for sure, but there are also the social, economic, racism, and discrimination issues.

I have become really interested in the police in Vancouver—not to nail the police; I think there are many individual officers who are really trying to do a good job. We met with the police in Vancouver, and they are the enforcers. They are enforcing the law. There are so many contradictions because we're talking about illegal activities, so as you say, when something happens the last place you're going to go is to the cops.

I just wonder what you've been able to do in the first year to highlight that issue around the police. I know it's huge because you're dealing with the RCMP, and local and provincial police. Even if we didn't change the law—I hope there will be some discussion about that—and just looked at the status quo right now in what's happening with the relationship with the police, what kinds of things would you like to see addressed that we could begin to deal with?

If you would like to answer as well, Cheryl, please do.

• (1825)

Ms. Beverley Jacobs: The first issue that needs to be addressed with the police, with regard to aboriginal women, is their understanding of aboriginal history and the impact of colonization. The only way they're going to hear the true story is if it comes from aboriginal people themselves.

I know that they have training programs and various police initiatives, but they all need to know the history. What has been missing, even in the education system, is the history of aboriginal people and the impact of colonization on them. These are the reasons we're having to address these issues today.

What we also need to look at are the violence issues, including the meaning of violence. It's not just family violence. It's not just domestic violence. We're dealing with what we've called gendered and racialized violence, where our women are being targeted. These key things need to be part of all police training, if the police want to understand the aboriginal community.

It's not only the first nations communities, reserve communities; this also affects communities in urban and rural areas. Take the case of women who have left first nations communities. That's an historical issue. Many women have been forced to leave their communities, because of either divorce or the workings of the Indian Act. Under the Indian Act, if an aboriginal woman married a non-aboriginal, non-status man, she was forced to leave her community.

In dealing with matrimonial property issues on reserve, when it comes to separation, there's no recourse for aboriginal women or first nations women on reserve. These women either have to find somewhere to live in their community, or move away, usually to an urban centre.

• (1830)

Ms. Cheryl Hotchkiss: Based on our experience and the report, we believe some standards need to be set, some protocols, on how to report women gone missing or subjected to violence.

In certain centres like Ottawa, there are standards around sexual assault protocols. But these standards are not adhered to regularly

and they're not cross-country. There are best practices out there. We know they exist and they need to be shared, particularly in city centres where there's a population highly vulnerable to violence, whether they're on the street or not.

We also feel that there needs to be better recording of information when it does come in. Indigenous people may be very transient. They may be forced to move across the country for different reasons, or may be moving from city to city on their own. We need to maintain some access to them, some database. We need some way of recording information and being able to identify patterns before they get out of hand.

There are some significant socio-economic factors at the root of much of this. The various levels of government need to pay some critical attention to the lack of programs and services. This affects not only the agencies that are there to help women who are working on the street or are vulnerable to violence, but also the women themselves. Without that, no matter how you change the laws, the Criminal Code, these women are going to be very vulnerable.

Ms. Libby Davies: Thank you for that response.

I think it really is a challenge to set some kind of protocol in place. It's like you've got to work at both ends: we have to address the causes, but I also think it's really important—unless we're talking about forcibly removing women from the street—that we look at ensuring the best possible safe environment. So I think the idea of protocols is very important.

In terms of the law, we've had a lot of debate about the communicating law and whether or not that should be struck down.

Beverley, the idea that it would not apply to the sex worker but to the customer, the so-called Swedish model, for example, has also raised a lot of debate, and there has been some concern about whether or not this would actually drive the sex trade underground. I don't know whether you've thought about that. It is a very complicated issue, but we have alternatives A or B or C out there, in terms even of what decriminalization means. Have you been able to talk to any women about how they see that in terms of what it would do to their relationship with customers, and whether it would actually produce an environment where they can report the violence when it takes place? Because that's the really critical thing, that they can feel they can report it and not be dismissed.

Ms. Beverley Jacobs: We haven't had any in-depth discussions, which is something we should be doing. But again, we need the resources.

Ms. Libby Davies: Is that part of your work plan to actually do that, if you get the money?

Ms. Beverley Jacobs: To discuss this with sex trade workers, no. It would be more with the families.

The Chair: Thank you.

Mr. Hanger, for three minutes.

• (1835)

Mr. Art Hanger: Thank you, Mr. Chairman.

So your research is basically going to focus on family issues within aboriginal communities, both on and off reserve, I would assume. With that, the whole issue of violence is going to be addressed as well, including areas such as what we're talking about here, but it would be much broader than that.

I see an issue that I think you actually brought to light for me, the whole issue of young people seeing violence, maybe in the home. There's this connection. I don't care what your racial background may be, but there is this connection that young people who experience violence will often end up running away from home, or get tied up with somebody who will exploit them.

At this point now, I notice that your organization has been in existence for quite a while. I know that your effort is to draw together people from similar types of groups; I assume you are like an umbrella group, representing various other groups, maybe local ones. But through all of this, what have you determined when it comes to the youth, young girls—maybe some guys, but mostly young girls—who have been forced into a situation of exploitation and prostitution? Do you have any idea of where this fits into the big scheme of things? That's my first question.

The second question is this. You clearly point to the fact that there's a need to go after the users when it comes to exploiting women, even if the women are there by choice, though I don't know of too many who are there by choice when it comes to prostitution. But if they are in that business, the user should be hammered, and even more so if they're abusing youngsters. And what about the people who are on the periphery, like the drug pushers and the pimps? Do you see a stronger enforcement model there that we should be pursuing?

The Chair: Ms. Jacobs.

Ms. Beverley Jacobs: With respect to the specific issue of our youth and our overall organization, we are an umbrella organization, a national organization, and there are regional organizations, one per province. They represent other organizations in the province. The Ontario Native Women's Association, for example, represents, I think, almost 50 organizations in the province. And in each one of those are youth representatives. We have a national youth council and we have a youth representative on our board.

When it comes specifically to the issue of sexual exploitation, there have been reports done, but not by our organization. There have been various reports done regarding young people and sexual exploitation. We have not done that research ourselves.

Mr. Art Hanger: Is it possible to get that information?

Ms. Beverley Jacobs: Yes, I think so.

Mr. Art Hanger: Is it done at the federal government level?

Ms. Beverley Jacobs: It was done from an organizational level, a community level.

• (1840)

Mr. Art Hanger: Okay, that's what I'm interested in.

Ms. Beverley Jacobs: I can try to find that for you.

Mr. Art Hanger: For the committee.

Ms. Beverley Jacobs: Yes.

With respect to the exploitation of young people and the users—the offenders.... Because we are dealing with a huge issue—we're dealing with trafficking of these women, we're dealing with drug addictions, with drug pushers—I do think something needs to be addressed to deal with those people, because they are the ones who are able to find the young women who are vulnerable. They search them out. They know how to find them. They know how to use them.

If there is a way to stop that, whether it's through the Criminal Code or whether it's through the law.... We've had the Criminal Code for how long now, and there are laws that exist in the Criminal Code but we're still dealing with these issues. I don't know whether, even if there are changes to the Criminal Code, it would help, because they know how to play the system. They know how to go underground, because it is all underground.

Mr. Art Hanger: But that's who we should be targeting.

Ms. Beverley Jacobs: Yes.

The Chair: Thank you, Ms. Jacobs.

Madame Brunelle.

[*Translation*]

Ms. Paule Brunelle: I wanted to talk about the same subject. Ms. Jacobs, you've listed a series of social problems. The prostitutes that we have met have talked to us at length about these same issues.

You also said that we're using the shortcomings of the justice system as an excuse. You just talked about that very thing. You argued that the Criminal Code should be amended, or at best enforced. What did you mean by system shortcomings?

[*English*]

Ms. Beverley Jacobs: I think when it comes to the users, they're able to use the system in a way that they can get away with it, in whatever ways. In the work that I did with Amnesty International and being on the front lines with some of those women, seeing things and being told things, that it is so underground and such a risk that these women are taking with their own lives with many of the different issues they're having to deal with. Even in the work that our women are doing on the front lines and trying to help them or even me as an aboriginal woman, I am at risk even by bringing these issues forward, because it is such an underground issue.

To me, that's where things should be addressed.

[*Translation*]

Ms. Paule Brunelle: It's certainly difficult to act legally when we're dealing with underground issues. People have to start speaking out about this very critical problem.

Ms. Hotchkiss, you mentioned that from a historical perspective, men and women have never shared power equally. Women's history has been one of trying to gain and assert their equality.

What ingredient is missing to resolve the problems affecting native women? In your opinion, what key element is missing? Why are we not able to move forward on this issue? I thought that aboriginal women were the product of a more matriarchal society. Correct me if I'm wrong, but I thought native women had more powers than men. Has there been a breakdown in this structure somewhere along the way?

[English]

Ms. Cheryl Hotchkiss: Our experience in the research we've done—and it's not just indigenous women, but particularly so with them—is that women are not at the table. They're not the ones consulted. They are not the ones at the table with government discussing strategies.

I think from Amnesty's perspective it's been heartening to see standing committees and so on wanting to hear from women and talking directly with women at varying levels. That's the way you're going to start to equalize the distribution of power, that and having the government provide funds to these organizations to do the work they're doing. You've heard the fact that the federal government got rid of the concept of core funding some time ago. This has been a significant issue for organizations that work to protect women's rights in achieving the goals they are ultimately trying to achieve, because they spend most of their time struggling to maintain the funding they've got.

In our recommendations in the report we certainly stated that aboriginal women must be critically involved in all recommendations that we're suggesting to the federal, provincial, and local governments. They have to be the decision-makers. No matter what's going on, they have to be critically involved in the decisions, and then I think you'll begin to equalize the distribution of power to some degree.

• (1845)

The Chair: Ms. Jacobs, do you want a comment?

Ms. Beverley Jacobs: I have to.

When it comes to what's happened to our matriarchal societies, what I talked about earlier was the impact of colonization and the patriarchy of the Indian Act and what it did specifically to our women.

In the research I've done, the work I've done, the creators of the Indian Act actually researched our women, Haudenosaunee Iroquoian women, because they knew that our women were strong. They are strong. They looked at the process of how our socio-political system worked. They looked at our clan system because that's how our matriarchal societies also work: we follow our mothers, and we all have a responsibility in our clan.

The Indian Act, because it was patriarchal, identified our families through men, through the male head of the household, so it affected our whole community because it affected identity. So a lot of our women in dealing with all of this... Because there are so many layers that we're talking about. We're talking about many layers of issues of colonization, of years and generations. That's what we're dealing with now: the current form of colonization is violence.

It's also money, because when we're talking about money and we're talking about core funding, funding that has to be enabled for

us to do the work, even when government throws a pot of money to aboriginal organizations, you have them fighting among each other as to who deserves what. So to me, this is another current form of colonization.

The Chair: Perhaps you could wind it up.

Ms. Beverley Jacobs: What I want to say with respect to our matriarchal society is that despite all of this, our women are still here. I'm still here, and I have women in my communities who make their voices heard despite anything. It took a long time, and it took me a long time. Ten years ago I never thought that I would be here to address you because I never had a voice. There are a lot of women in our communities who don't have a voice because of oppression.

In order for me to come to where I am now, it was because of my identity, my history, my people, and my family. It enabled me to be able to speak out and to say that's enough.

• (1850)

The Chair: Thank you, Ms. Jacobs.

We will move on now to Ms. Davies for three minutes or so.

Ms. Libby Davies: Thank you for bringing that up.

We have had hearings across Canada, and we've now talked to I don't know how many sex workers. We could go back and count, but it has been quite a few. It's probably the first time that it has been done by a parliamentary committee on this scale. It has made a huge difference to hear directly from them. Whether it is an individual story or not, some of those have been aboriginal women, not a lot, but some. It makes a huge difference.

To follow that up, I have two questions. First of all, I think the work that you're trying to do to actually work with the families of the missing and murdered women is very important. I think there's almost a sense of having to move on because this is bad and we've got to fix it. Yes, we do, but I think there is still a lot more information to come out. That's my own feeling. We've heard only a tiny bit of what actually happened, almost case by case, as much as that can be documented. I think there is so much to learn. I am really glad you're doing that. If you get the funding to continue with the clinic, it is really important.

Secondly, the committee is looking at the issue of data. As we proceed with whatever course of action, perhaps you have specific recommendations on what should be done about compiling information. For example, Professor Lowman has said that he thinks it's very important that sex workers be involved in any further law reform or anything like that.

If you think there are specific things around documentation, data, and the development of that further information, it would be very helpful for us to know. We might look at that kind of thing and include it in any recommendations that we put forward, if you have any specific observations.

Ms. Beverley Jacobs: This is my first comment. When it comes to data and statistics, we know that it needs to be done, but in the aboriginal community, aboriginal people have always felt that we've been researched to death. I think part of what we're dealing with is the whole system.

Again, I will go back to the inherent discrimination in institutions. When collecting data, there has to be a recognition of race. In some of the research that we've done so far, especially with the police, I found that it's not an issue. You're a person, and it doesn't matter what race you are.

Ms. Libby Davies: Do you mean how they develop statistics?

Ms. Beverley Jacobs: Yes. Their data needs to include specific identification of race so that they also know the society. We're not all the same. Even among indigenous people, aboriginal nations are not the same. To me, that needs to be addressed.

In looking at statistics when it comes to aboriginal people, we need to be aware that a lot of people are not going to participate. Even in the census, when it comes to statistics of aboriginal people, a lot of people are not going to participate because of the historic relationship with our people.

Ms. Cheryl Hotchkiss: I think we also agree that in terms of keeping statistics, there needs to be some information on the particular race of the person who has gone missing. I know some people, particularly in the conversations we have, debate whether there is a need to hold that information, whether that feeds into patterns of discrimination or stereotyping, and whether it becomes

part of this pattern of racial profiling, but our attitude is the police are there to protect the citizens of Canada and the citizens in their community, and the information provided to them is important for the government, etc., to be able to provide the necessary programs and supports if there is a vulnerable population. Rather than seeing these populations as necessarily criminal, it may be representing a pattern where there is a high degree of vulnerability to experiencing violent crime or being at risk to experiencing violent crime.

In our experience in other countries, it's essential to have desegregated data, both from the identity of race as well as gender, in order to really understand what the crux of the problem is and what the necessary solution is.

Thank you.

● (1855)

The Chair: Anything else, Ms. Davies? Fine.

This would conclude our session this evening, as we've come to the end of our time. We're certainly very appreciative of your presenting your testimony tonight from an aboriginal perspective, and your comments will certainly help us in our deliberations to produce what we feel will be a good report. Thank you very much for attending.

We'll adjourn the meeting and go in camera to discuss future business.

[Proceedings continue in camera]

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