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Vancouver Rape Relief and Women's Shelter:
Written Closing Submission for the
National Inquiry into Missing and Murdered Indigenous Women
and Girls

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“And it is happening for a simple reason. There is nothing complex and difficult about the reason. Men are doing it, because of the kind of power that men have over women. That power is real, concrete, exercised from one body to another body, exercised by someone who feels he has a right to exercise it, exercised in public and exercised in private. It is the sum and substance of women's oppression. It is an extraordinary thing to try to understand and confront why it is that men believe--and men do believe--that they have the right to rape...men believe they have the right to force sex, which they don't call rape. And it is an extraordinary thing to try to understand that men really believe that they have the right to hit and to hurt. And it is an equally extraordinary thing to try to understand that men really believe that they have the right to buy a woman's body for the purpose of having sex: that that is a right.” – Andrea Dworkin, 1983*

Front-line Knowledge

Vancouver Rape Relief and Women's Shelter is the longest standing rape crisis centre in Canada. Since opening in 1973, our group responded to 45,441 (counted on December 5, 2018) women seeking our support in their escape of male violence. The accumulation of stories told to us by thousands of women, taught us how men use their relative power as men and often their relative power of their race and class to attack women. They also taught us how girls and women survive, escape and resist male violence.

*Dworkin, Andrea (1983), I Want a Twenty-Four-Hour Truce During Which There Is No Rape, in Letters from the War zone; Writing 1976-1989 (1993), Lawrence Hill Books, Brooklyn, New York

The members of our collective, historically and currently, have come from different race and different class backgrounds. Yet, our shared life experience as girls and women, in particular our common experience of men's violence, matches what we have learned from our front-line work.

Applying feminist analysis means a critical examination of the power imbalance between men and women, between white people and Aboriginal people, and between the wealthy and the poor. When it comes to violence against Aboriginal women, all forms of oppression - sex, race and class - are in play.

In 1985, an Indigenous member of our collective wrote in an article titled, *The Truth as We Know It*, that "There is overwhelming evidence that men rape within the same class or race and down." Thirty-five years later, this statement is still very much, the truth as we know it.

In Canada, Aboriginal women, who are at the bottom of the race and class hierarchy, are victims to all men's violence.

In preparation for this submission, we looked at more than 1,000 cases of Indigenous women who had called us in the last five years.

577 Indigenous women were assaulted by their husbands/boyfriends/or lovers and another 83 Indigenous women were attacked by their ex-male partner after leaving him. 179 Indigenous women were sexually assaulted by someone they knew superficially, often through social circumstances like a party or mutual friends.

151 Indigenous women were raped by their own fathers/other family members/or family friends when they were young. 58 women were raped by men who were complete strangers to them.

Out of the 1,000 Indigenous women who called us: 408 women were attacked by Indigenous men and 351 women were attacked by white men.

Indigenous women are raped and beaten by their fathers, their domestic partners, and other men in their Aboriginal communities. Outside of their communities, they are raped, beaten, prostituted, and killed by men from every race. Everywhere they go, Aboriginal women are subjected to horrifying, and sometimes deadly, attacks by all men, frequently by white men.

The Role of Transition Houses

Since the 1970's, transition houses, rape crisis centres and women's centres have provided women with immediate protection for themselves and their children.

In 1981, Vancouver Rape Relief and Women's Shelter opened our own transition house. Since then, we have housed 2,899 women and 2,570 children (as counted on December 5, 2018).

The women who have stayed in our house are battered women who are leaving abusive male partners, women who are exiting prostitution, and sometimes women who were raped by a man that no longer has access to them, so they are safe from him, but they still want to stay in a place where they have the comforting company of other women.

Safety, is of course, the key reason women are turning to transition houses but what they get is even more than that. Grouping women in our transition house counters the abusers' tactic of keeping women silent and isolated.

Women in feminist transition houses get to be part of a community of women who encourage and reinforce each other in their decision to leave abusive men. They get to be part of a

community of women who offer advice and the practical, mutual-aid of cooking, child care, and search for future housing. They get to speak about their own experience, to be heard and to hear about other women's experiences. They are able to realize that they have been beaten and raped by men, not because they did something wrong, or made bad choices BUT because they are women and because we are living in a world where men are entitled to harm women including (and very often, especially) women whom they claim to love.

The women who live in our transition house are escaping one particular man, usually it is their domestic male partner. However, as we build our relationship many will tell us about other men and other attacks. This is particularly true for Indigenous women. Most of the Indigenous women who live in our transition house have experienced male violence from a very early age. The man they are currently escaping is the last one to attack them, but in no way, is he the first.

Recommendation 1

Feminist transition houses and rape crisis centres – are a tactic that were developed for women by women, offering immediate safety and a place to group, analyze, strategize and embolden women to demand the protection they deserve from the state. Based on these examples and practices, we are calling for Indigenous women's services that are designed and controlled by Indigenous women. These services need to be funded by the state but independent from government, social services, law enforcement, professionals, institutions and band councils.

Poverty

Even though Indigenous women are only 2% of the women in the lower mainland, they comprised more than 30% of the women who called us looking for safe shelter for themselves and their children.

Since the beginning of this year, 466 women called our crisis line looking for shelter, 130 of them were Indigenous. Approximately two-thirds of the Indigenous women who called us are on income assistance. This basically means that they are poor.

It has been well established that poverty increases the vulnerability of women to being attacked in their homes, on the job, on public transit, and on the street.

It has also been well established that poverty prevents women from leaving abusive relationships, forces women to stay in poorly paid jobs where they are objectified, exploited and harassed, and that it is a key coercive factor in women resorting to prostitution.

Poverty means that women have very few options, sometimes, none.

There is plenty of research that demonstrates that the price of poverty in monetary value is actually higher than the cost of elevating people from poverty due to the burden it creates on the healthcare and criminal justice systems.

But even if this wasn't the case, poverty is an unacceptable reality. We live in a wealthy country and an equal share of its wealth would mean that no one has to go without nutritious food, adequate housing and all the other basic necessities one is entitled to, by virtue of being a human being.

The welfare system, across Canada, has not only kept people entrenched in poverty but has also stripped them of their dignity. The premise of the welfare system is to provide as little as possible to as few people as possible

“Welfare is like a super-sexist marriage. You trade in a man for the man. But you can't divorce him if he treats you bad. He can divorce you, of course, cut you off anytime he wants... The man, the welfare system, controls your money. He tells you what to buy, what not to buy, where to buy it, and how much things cost. If things-rent, for instance-really cost more than he says they do, it's just too bad for you. He's always right”-Johnnie Tillmon, 1972*

Research has revealed that when people have unconditional secured livable income, they use their time to do good by their families and communities.

*“I'm now convinced that the simplest approach will prove to be the most effective – the solution to poverty is to abolish it directly by a now widely discussed measure: the guaranteed income... The dignity of the individual will flourish when the decisions concerning his life are in his own hands, when he has the assurance that his income is stable and certain, and when he knows that he has the means to seek self-improvement...”** Martin Luther King Jr., 1967*

*Tillmon, Johnnie (1972) 'Welfare is a Women's Issue', Ms Magazine (Spring 1972)

**Luther King Jr., Martin (1967), Where do we go from here: Chaos or community?, Beacon Press, USA

Recommendation 2

We support the demand for a dramatic increase of income assistance rates as a temporary measure of financial support for those in need. But in the long run, we believe we are better off with a profoundly different mechanism that will provide people with their economic needs.

We support the demand for livable wage but we reject the idea that a paid job should be a condition for adequate income.

Ultimately, we are calling for Guaranteed Livable Income with the following principles:

- Livable – which means that it must be high enough to meet an adequate standard of living
- Guaranteed – which means that it must be provided unconditionally, without a means test, without a job search requirement, and without limitations on expenditures
- Individual and Universal – must be given to all individual adults in a household, regardless of marital status, and must be enough to provide for each child that an adult has guardianship over

We are willing to organize, host and/or participate in a national consultation of economic and feminist experts to produce a concrete scheme for the mechanism of delivering Guaranteed Livable Income.

We believe that the application of this concept will ensure that no one, let alone women and in this context Indigenous women, suffers from economic hardship and poverty.

Holding Violent Men Accountable

We believe men can change. Men are not inherently violent. Men are violent because of the social construction of masculinity and manhood. We believe men can change. Men can stop raping and beating women and children. Men can stop killing women. We believe men can change but as a whole, they don't. And until we will hold men accountable, they are not going to change. Otherwise, we wouldn't have been here today.

There is a great promise of communities holding men accountable. So far, there are too few examples of it. Too few communities in the world have come together to make a collective agreement that the men in their communities will not harm women and children. Too few communities have sanctioned men for harming women and children. Men, everywhere, know that they can rape and beat women and children with impunity.

At the moment we must rely on the state, on the Canadian state, to uphold its obligation to protect women and children. Though so far, it has failed, not to say refused, to do so.

Police

When women call the police about rape, they know it is going to be an excruciating journey. But they are willing to go through it because they want to protect other women. Alas, more often than not, they will realize that the criminal justice system does not share their commitment to hold rapists accountable.

The high rate of unfounded sexual assault complaints got a lot of attention in the last two years. Statistics Canada is now collecting and publishing the number of unfounded sexual assault cases

and according to recent media reports, police forces in 62 jurisdictions have reduced the number of sexual assault reports classified as “unfounded” since The Globe and Mail exposé.

For us this is not reassuring at all. In all likelihood, the reduced rate means that police forces are now simply cataloguing cases under a different code rather than conducting better investigations.

Last year in British Columbia, of the 4,279 complaints about sexual assault and rape that were made to police, only a third resulted with the police recommending charges.

The problems start with the initial statement. The police will not dare to do it in our presence but when a woman goes without an advocate, they will discourage her from the get-go by saying that the case will not go anywhere because it's a “she said –he said” situation. They are saying this without even having the “he said” version, without even interviewing the accused.

Sometimes when a woman goes with a feminist advocate, the officers will not let the advocate be present while the victim gives her statement.

Usually following the initial statement, it will take months until the woman hears back from the police. It will take multiple phone calls, with weeks in between, to the constable, the sergeant and the staff sergeant for the woman, or for us as her advocates, to get any response. When they eventually do respond they will say “we are still investigating” or “it's still open” and eventually, after many more months, they will say that they are not going to recommend charges because there is not enough evidence. However, in many cases that we are familiar with, they don't have enough evidence because they didn't conduct a proper investigation.

Recommendation 3

We are calling for civilian oversight of police investigations into cases of sexual assault that will include front-line feminist advocates. We are calling for an open and ongoing review that will not simply result with sexual assaults being classified under a different code but instead with thorough investigations and appropriate charges.

We are willing to organize, host and/or participate in a national consultation of front-line women's groups and other experts to produce concrete instructions for designing and applying civilian oversight of police investigations into cases of sexual assault.

Crown

Out of the cases that police recommend charges; the Crown will only prosecute half, which means that approximately 15% of the rapes reported to police in British Columbia will go to trial. This is an estimate based on national data because information on Crown decisions in sexual assault cases in British Columbia are not easily accessible.

"Crown decisions to prosecute or not should be recorded and made publicly available. Public confidence in the administration of justice would be bolstered by a system where Crown counsel routinely made strong and public arguments to prosecute sexist violence. By the same token, if the decisions by the

Crown not to proceed were made available to the public, there would be room for protest and possibly legal action.”* – Louisa Russell, 2009

Recommendation 4

We are calling for Crown decisions to not proceed on charges or to stay charges in cases of male violence against women (sexual assault, wife battering and sexual exploitation) to be made publicly available.

Judges

We know from media reports on trials in sexual assault cases throughout the country that judges contaminate sexual assault trials with sexist stereotypes and victim-blaming myths about girls and women who experience sexual assault. Judges are clearly ignorant on sexual assault laws, about Parliament's intentions behind the laws, and the Supreme Court of Canada's application of the laws.

“despite efforts to thwart them, myths and stereotypes continue to stalk the halls of justice in cases involving sexual offences... these persistent presumptions... reduce the entitlement of individuals to the equal recognition and protection of the law. This inequality falls most heavily on women since sexual assault has been, and continues to

*Russell, Louisa (2009), ‘What Women Need Now from Police and Prosecutors: 35 Years of Working To Improve Police Response for Women Escaping Male Violence’, Canadian Woman Studies - V.28, Number 1 - Women Resisting Rape, Feminist Law, Practice and Activism.

be, largely a gender-based crime. The vast majority of victims are female, and the vast majority of perpetrators male.” – Alberta Court of Appeal, 2017*

In British Columbia, both in provincial court and the supreme courts, only written judgements are available to the public. When judges give their judgements and reasoning orally, judgements are recorded but not automatically transcribed. One can order the transcription of a particular judgement but that usually costs hundreds or thousands of dollars (depending on the length of the transcription). This means that, in reality, the public doesn't have access to oral judgements and reasons for convictions and acquittals in sexual assault trials.

Recommendation 5

We are calling for a genuine application of the “open court” principle, a fundamental concept in a democratic society that allows the public to hold judges accountable. We are calling on the Attorney General of British Columbia, and the other provinces, to create a transparent justice system and to ensure that all judgements in sexual assault trials (oral and written) are transcribed and posted online, available for public scrutiny.

Only transparency and accountability will transform how the criminal justice system – the police, Crown and judges – deals with violence against women in general and violence against Indigenous women in particular.

**R v Barton*, 2017 ABCA 216

Hyper-Criminalization of Indigenous Women

It is a tragic irony that the criminal justice system that has failed to protect Indigenous women, has been extremely diligent in criminalizing and imprisoning them. Although Indigenous women are 4% of the women in Canada they account for 43% of female admissions to provincial/territorial sentenced custody.

*“The disproportionate representation of Aboriginal women and women of colour in Canadian jails and court rooms must be understood to reflect enforced poverty and violence heaped on these women. There must be release and court deferment programs; even in circumstances of gross inequality, these women hardly pose a threat to the Canadian public.”** – Lee Lakeman, 1993*

Recommendation 6

We are calling on immediate release of Indigenous women who are in custody as a result of being convicted of poverty-related crimes and for self-defense. As the Truth and Reconciliation Committee of Canada included in their calls to action: “We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.”†

*Lakeman, Lee, (1993) 99 Federal steps toward an end to violence against women, National Action Committee on the Status of Women, Toronto, Ontario

† Truth and Reconciliation Canada. (2015). *Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada*. Winnipeg: Truth and Reconciliation Commission of Canada.

We join the Canadian Association of Elizabeth Fry Societies and Native Women's Association of Canada* in calling on the government to utilize existing legislation under the *Corrections and Conditional Release Act*, such as s. 81, to decarcerate Indigenous women.

Abolition of Prostitution

Our collective, historically and currently, includes women who have exited the sex industry. Our authority and understanding of prostitution as sexual exploitation and male violence against women is informed by our membership and by our front-line work with women in prostitution, who call us in their efforts to escape individual johns and pimps or prostitution all together.

What Indigenous women tell us about their road to prostitution is that it is paved with sexual assault in their childhood, with devastating poverty, with terrible losses, including the apprehension of their children and with such grief and pain that sometimes can only be subdued through drugs or alcohol. They resorted to prostitution, they didn't choose it.

Recommendation 7

We are calling for the provision of feminist exiting services, women-only detox and long-term recovery programs available on demand to women in prostitution, in addition to a guaranteed livable income.

Achieving safety for women in prostitution is inherently impossible. Men who buy women (sometimes not even that, sometimes they will refuse to give her the money or will forcefully

** Canada. Parliament. House of Commons. Standing Committee on the Status of Women. (2018c). Evidence. Meeting 86, February 1. 42nd Parliament, 1st Session

take it back) are the source of the harm to women. "Screening" will not protect women – women are constantly attacked and harmed by men they know and trust. "Indoors" will not protect women – the majority of violent acts against women are committed inside.

The murder of Cindy Gladue refutes the myths that “indoor prostitution” is safe and that "screening" will provide security to women in the sex trade. The fact that Cindy Gladue was recruited in a hotel and not on the street; the presence of security cameras in the hotel; the fact that Barton was a returning guest at the hotel; or the fact that Cindy Gladue's boyfriend arranged, screened, and negotiated the price of her "sexual services" did not protect her from violence or death.

Legitimizing and legalizing prostitution, allowing men to buy the sexual use of women's bodies, normalizes men's entitlement to our bodies. The same entitlement that allows men to rape, beat, and kill women.

Recommendation 8

We are calling for the application of the *Protection of Communities and Exploited Persons Act*. Police and prosecutors must uphold the law and criminalize men who sell, buy, and profit from the sexual exploitation of women in prostitution.

We do not accept murder, rape, wife battering, and incest as inevitable and we do not accept prostitution as inevitable.

These are all acts done by men to women in the context of a patriarchal world where the relationship between men and women is based on domination and subordination. We do not accept that this kind of relationship between men and women is inevitable.

Learning that Indigenous women in pre-colonial Canada were treated with respect and honor in their nations, gives us hope. It reinforces our refusal to accept women's oppression as inevitable. Knowing that fairly recently in human history, women had social and spiritual roles that were regarded as equally valuable to those that men had, makes our fight for liberation not only possible, but tangible.

Supporting Materials

1. Bregman, Rutger (2013) 'Why we should give free money to everyone', *The Correspondent*, 24 December 2013
<https://thecorrespondent.com/541/why-we-should-give-free-money-to-everyone/20798745-cb9fbb39>
2. Forget, Evelyn L., (2011) The Town with No Poverty: The Health Effects of a Canadian Guaranteed Annual Income Field Experiment, *Canadian Public Policy*, University of Toronto Press, September 2011, Vol. 37, No. 3, pp. 283-305
<https://www.utpjournals.press/doi/pdf/10.3138/cpp.37.3.283>
3. Lakeman, Lee, (1993), 99 Federal steps toward an end to violence against women, National Action Committee on the Status of Women, Toronto, Ontario
https://www.rapereliefshelter.bc.ca/sites/default/files/imce/99_Federal_Steps_Whole_Document.pdf
4. Russell, Louisa, (2011), What Women Need Now from Police and Prosecutors 35 Years of Working to Improve Police Response to Male Violence Against Women, *Canadian Woman Studies* - York University Publication. V.28, Number 1 - Women Resisting Rape, Feminist Law, Practice and Activism
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