

A Critical Examination of Canada's Obligations Under the Convention on the Elimination of all Forms of Discrimination against Women and the Government's Actions and Omissions in Relation to the Investigation of the Hundreds of Missing Aboriginal Women

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Abstract

Standing on Canada's Parliament Hill, meters from the historic Centennial Flame, Canadians witnessed another year of commemoration, representing the many missing and murdered Aboriginal women across Canada. Stories of loss and hope, grief and frustration, filled with song and dance and spoken word, left many standing in a mesmerizing stare; they were moved by powerful words, but remained speechless. The event was one of the annual Sisters in Spirit Vigils to honor lost sisters, wives, daughters, and aunts, among friends, families, activists, and supporters, who have fought in their communities for so long. Families and leaders have lobbied governments for decades, facing the reality of the Canadian government's inaction and omissions relating to the investigation of hundreds of missing and murdered Aboriginal women. Families and leaders are faced with the dissatisfactory inaction that has persisted too long at the cost of so many. And despite countless setbacks and hardships endured, Aboriginal voices and allies calling for action remain strong.

Keywords: Canada's Obligations; Discrimination against women; United Nations; Aboriginal women; Indigenous peoples; Indigenous theory; Canada; Canadian government; CEDAW; UNDRIP; Violence against women; Rurality; Rural communities; Human rights; Sex work; Equality

Introduction

Although Canadians are largely familiar with the ongoing struggle of Aboriginal peoples' equality, and there exists so much collective community grieving, there is often little focus on the domestic and international legal obligations that the Canadian government repeatedly neglects. International obligations include the *United Nations Declaration on the Rights of Indigenous Peoples* [1], ratified and finally supported by Canada in 2010. The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) [2] is also important in helping to eradicate gender-based discrimination; this statute represents Canada's international obligations to women generally, but is particularly relevant to the discrimination faced by Aboriginal women. CEDAW will be of particular focus throughout the discussion. Specifically, Articles 6 and 14 will set the framework and context to how issues of both "prostitution" (sex work) and rural communities disproportionately impact Aboriginal women and their families. Next, other aspects of CEDAW will be examined, including Article 18, which requires regular progress report submissions by state parties to the Secretary-General of the United Nations. Finally, Canada's compliance with Articles 6, 14 and 2 will be examined in detail, including an examination of the reply list of issues and questions from the Committee on the Elimination of Discrimination against Women (the "Committee") pursuant to Article 20.

Detailed, critical analyses of Canada's obligations under CEDAW, through examination of selective Articles of the Convention, will help form a central conclusion: the federal government of Canada has failed to implement a national action plan to address the systemic problems of violence, discrimination, murder, and disappearance of Aboriginal women and girls [3]. Government omissions include: inadequate police training, inconsistent data collection of the number of missing and murdered women, and lack of jurisdictional coordination,

among other shortsightedness. These omissions and oversights mean Canada has not fulfilled its international human rights obligations to investigate the hundreds of missing Aboriginal women. The Canadian government has steadfastly refused to investigate, identify, and address the problem, and has willfully contributed to the tragedy through politically "convenient," partisan-centered decision-making. The neglect this community has faced has had, and without immediate action will continue to have, long-lasting and harmful social, environmental, health, and financial costs, as well as negative cultural and social ramifications for Aboriginal women, their communities, and all Canadians.

Historical Overview: Discriminatory Treatment against Aboriginal Peoples and Aboriginal Women

An opinion editorial written by Liberal Member of Parliament Carolyn Bennett illustrates a grim picture: in 2012, the federal government's Department of Aboriginal Affairs and Northern Development spent \$106 million on litigation, more than any other department and double the amount spent by the Canada Revenue Agency [4]. This statistic is shocking when considering the very pertinent concerns surrounding the status of Aboriginal women and Canada's obligations under CEDAW. The vast funding allocated

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toward Aboriginal litigation demonstrates what is perceived to be the government's strong opposition to full equality for all Canadian citizens.

Aboriginal women in Canada have historically suffered widespread gender-based discrimination and oppression. *Finding Dawn*, a documentary written, directed, and narrated by Métis filmmaker Christine Welsh, sheds light on the hundreds of Aboriginal women who have gone missing or who have been murdered in Canada over the last twenty years [5]. The film highlights the complex historical, social, political, and economic factors that have contributed to the abuse, neglect, and ill treatment associated with Aboriginal women in Canada. Repeatedly, interviews and stories in the film emphasize the desperate need for change. From the "Highway of Tears" on Highway 16 in northern British Columbia, the Women's Memorial Walk in Vancouver, "skid row" in Vancouver's Downtown Eastside, and unsolved murders in Saskatoon, the mistreatment of Aboriginal women proves to be vast and appalling.

Dawn Crey, the central character featured in the film, was placed in foster care as a young child following her father's tragic death. She later entered into a life of drugs and prostitution in Vancouver's Downtown Eastside. Approximately half of the missing women in this area are Aboriginal and they share a common struggle: living in poverty. These women do not have adequate access to education or employment, even though equal access is guaranteed under Articles 10 and 11 of CEDAW. In fact, the 2006 Census illustrates Aboriginal women are less likely than non-Aboriginal Canadians to be part of the paid work force. Aboriginal women 15 years of age or older had an employment rate of 51.1% compared to 57.7% of non-Aboriginal women who were employed [6], and unemployment rates for Aboriginal women are often double that of non-Aboriginal women.

It is disgraceful that the Canadian government has failed to take accountability to ensure Aboriginal women are valued and respected. Jim Silver, author of "Building a Path to a Better Future," states that Aboriginals are "lacking in self-confidence, self-esteem and a sense of self—worth—the result of having internalized the colonial ideology—and are in need of healing [7]." Dealing with these disadvantages and unfair burdens has huge costs, as evident by Aboriginal suicide rates that are three to six times higher than the national average [8]. In particular, the suicide rate for First Nations women is 35 per 100,000 compared to 5 per 100,000 for non-Aboriginal women. Mental health challenges and depression have other far-reaching consequences. In the film, Janice Acoose, a Saskatchewan Professor, acknowledges that it was the social environment she lived in that was responsible for sending her to Regina's "skid row" on South Railway Street. She stated that the city "was a place of hope" and offered her something different than the reserve. It is the lack of social programs that is at the root of much of the inequality that exists for Aboriginal women like Crey and Acoose; it is the vicious cycle of neglect and mistreatment that has resulted in the marginalization and social exclusion of Aboriginal women.

The often-demoralizing social status of Aboriginal women is another important aspect of the mistreatment and violence directed toward them. Aboriginal women are treated in an inferior manner and with less self-worth compared to non-Aboriginal Canadians. Ernie, Crey's brother, is featured in the film and has been an outspoken activist. He believes that the investigation into his sister's disappearance would have been better financed and coordinated if the victim, his sister, were non-Aboriginal. This pattern of differential treatment is evident through anecdotal records and has been widely documented, including a 2009 comparative study [9].

To understand the discrimination faced by Aboriginal women today, it is important to acknowledge that discrimination against Aboriginal people has occurred on numerous occasions in Canada, often under the incontestable view of the Canadian government. For example, in the nineteenth century, the Canadian government took part in "aggressive cultural assimilation," resulting in the removal of about 150,000 Aboriginal, Inuit and Métis children from their communities. This tragedy is known widely as the Indian Residential Schools [10]. Although some former students have received minor compensation, the government cannot compensate the victims for isolating these children from their families, traditions, and culture. Prime Minister Stephen Harper, of the Conservative Party of Canada, released an official, historic government apology on June 11, 2008, but little action has been taken since.

Following the apology made on behalf of the Government, the Truth and Reconciliation Commission of Canada [11] was launched following the largest class-action lawsuit in Canadian history—the Indian Residential Schools Settlement Agreement. The Assembly of First Nations agreed to the establishment of the Truth and Reconciliation Commission that began with a five-year, \$60 million budget. However, work on the final report remained, and so the mandate was extended by one year, until June 30, 2015 [12]. The Honorable Bernard Valcourt, Minister of Aboriginal Affairs and Northern Development, stated: "Our government remains committed to achieving a fair and lasting resolution to the legacy of Indian Residential Schools, which lies at the heart of reconciliation and the renewal of the relationship between Aboriginal people and all Canadians."

Revelations into the inexcusable discrimination faced by Aboriginal peoples continues. Recently, government documents uncovered by Ian Mosby of the University of Guelph exposed the shocking practice of widespread nutritional experiments conducted by Canadian government bureaucrats during the 1940s, following the Second World War. The deplorable execution of these experiments was occurring during a period of "scientific uncertainty around nutrition [13]." At least 1,300 Aboriginals were involved, including many children. A spokesperson for the Minister of Aboriginal Affairs and Northern Development stated the news was "abhorrent and completely unacceptable." Following the shocking revelations, First Nations leaders demanded an apology for the nutritional experiments [14]. Shawn Atleo, National Chief of the Assembly of First Nations, demanded the government take responsibility and acknowledged ongoing food security problems that disproportionately impact Aboriginal children. It is hoped that other government documentation will be made publicly available.

The disgraceful pattern of Aboriginal children and women being treated as "less than" and "second class" is an all too common pattern seen in many social contexts throughout Canadian history. In *Finding Dawn*, Fay Blaney, an advocate for native rights nationally and internationally, states that she believes an attitudinal shift needs to take place; her comments included the idea that Aboriginals have been perceived as "nothing and only good for prostitution." She preaches that Aboriginal women deserve respect and need to reclaim some of their traditions, land, and culture. It is evident that improved public health and social policy, directed specifically at Aboriginal women, is desperately needed. With these improvements, Aboriginal women will be better able to improve their way of life and to restore their human dignity; but these improvements cannot happen without the Canadian government's full realization and implementation of its international human rights obligations.

Introduction to the Convention on the Elimination of All Forms of Discrimination against Women

The *Convention on the Elimination of All Forms of Discrimination against Women* was adopted by the United Nations General Assembly on December 18, 1979, open for signature on March 1, 1980, and entered into force on September 3, 1981, faster than any other human rights convention [15]. As of December 2013, there were 99 signatories and 187 parties to CEDAW [16]. Canada signed CEDAW on July 17, 1980 and ratified the Convention on December 10, 1981. The Convention consists of a preamble, six parts, and thirty articles. Issues addressed within CEDAW include: equal representation of women in government and international organizations (Article 7), the elimination of discrimination against women based on marriage and family relations (Article 16), policy pursuits by state parties to ensure women's equality (Article 2), and equal rights to education for women (Article 10).

CEDAW advocates for equal rights of men and women by building on the impermissible grounds of discrimination based on sex enshrined in the *Universal Declaration of Human Rights* (Article 2) [17], the *International Covenant on Civil and Political Rights* (Articles 2, 4, 24, 26) [18], and the *International Covenant on Economic, Social and Cultural Rights* (Article 2) [19]. Discriminatory grounds based on sex are also present in the *Canadian Charter of Rights and Freedoms* (Sections 15(1)(2), 27) [20].

Articles 6 and 14 of the Convention on the Elimination of All Forms of Discrimination against Women

It is important to recognize that beyond gender-based discrimination, in Canada, further discrimination is experienced by women of Aboriginal status. Specifically, Articles 6 and 14 will inform the discussion. These Articles receive limited attention in the context of the involvement of Aboriginal women in the sex industry, a decision often rooted in historical poverty and wider problems faced by Aboriginal women in rural communities. Article 6 states: "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." In Canada, the exploitation of "prostitution" of women is particularly troubling given that Aboriginal women report much higher rates of violence and abuse when working in the sex industry compared to non-Aboriginal women [21]. Article 14(1) states:

States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

Missing and murdered Aboriginal women are not always part of rural communities in Canada, but for many rural Aboriginal women, the challenges they face compared to those living in urban environments are substantial. Challenges include reduced access to education and employment compared to non-Aboriginal women. 40% of Aboriginal women did not graduate high school in 1996, and although that number dropped to 27% in 2006, the rate of non-Aboriginal high school dropouts for women was 22% and 12% in 1996 and 2006 respectively [22]. That means, as of 2006, 88% of non-Aboriginal women graduated high school compared to only 73% for Aboriginal women. The comprehensive report from the Canadian Centre for Policy Alternatives also demonstrated that although rural

reserves comprise only 9% of non-Aboriginal workers, those individuals earn 88% more than Aboriginal peoples. The authors unequivocally conclude: "the data clearly shows that non-Aboriginal Canadians make more than their Aboriginal counterparts whether working on reserve, off reserve, or in urban, rural, or remote communities."

The impact of rurality on Aboriginal women's lives continues to be important. Recently, on October 7, 2013, the Committee on the Elimination of Discrimination against Women (the "Committee"), created through Article 17, held a general discussion on rural women in Geneva [23]. The report aimed to "provide appropriate and authoritative guidance to States Parties on the measures to be adopted to ensure full compliance with their obligations to protect, respect and fulfill the rights of rural women." NGOs were invited to provide submissions before the discussion. Human Rights Watch (HRW) submitted highlights of their work related to rural women and girls, noting: "we have documented, for example, police abuse of indigenous and rural women and girls in northern British Columbia, Canada [24]." The presence of Canada in this submission, among other countries, emphasizes the attention this issue is garnering internationally. HRW's submission alluded to their comprehensive report entitled "Those Who Take Us Away," published in February 2013, underlining the failure of law enforcement and police personnel, particularly the dysfunctional relationship between the Royal Canadian Mounted Police (RCMP) and the families of Aboriginal women and girls in northern, rural British Columbia [25].

Intersecting Marginalization: Rurality, Sex Work, and Aboriginal Women's Equality

There is greater disparity in income levels of Aboriginal women in rural communities compared to aboriginal men. In situations of significant and often dire levels of systemic poverty, the intersecting marginalization of Aboriginal women and sex work begins to surface. A comprehensive report published in 2010 and entitled "Challenges: Ottawa-Area Sex Workers Speak Out" is the basis for a case study related to Aboriginal women and sex work. The report stems from a community-based research initiative focused on the labor site challenges, safety, security, and well-being of sex workers, and interactions between sex workers and police and law enforcement. The report also focuses on the social stigma and intersecting marginalization of sex workers, including the "well-documented oppression and disadvantage experienced by Aboriginal people, homosexual men and women, transgender people and drug users."

Intersections of class, socioeconomic status, gender, ableism, and economic resource distribution are explored, formulating discussions of the "question of choice [to engage in sex work]." The report's findings are based on interview exchanges with 37 Ottawa-based sex workers, including four Aboriginal women and one Aboriginal transgender woman. The sample used for Aboriginal women sex workers is relatively low, but the consensus among the five participants is noteworthy. For example, four of five Aboriginal sex workers (80%) described experiences of violence and abuse compared to 15 of 32 (47%) of non-Aboriginal sex workers.

Intersecting Marginalization: Poverty, Sex Work, and Aboriginal Women's Equality

A disproportionate number of Aboriginal women are involved in sex work and bear the burden of poverty, including women in Vancouver's notorious Downtown Eastside. It is important when critically analyzing Canada's obligations under CEDAW to examine how poverty, the

social status of Aboriginal women, and their involvement in sex work, intersect and profoundly contribute to government inaction related to the investigation of the hundreds of missing Aboriginal women.

Culturally relevant social support services are especially important for Aboriginal women like Alice, a street-based sex worker who powerfully articulates the implications of her intersecting struggle:

It is especially true because I am Aboriginal. We're a minority who has very big issues. I am a residential school survivor and it's such a huge barrier. And I often see a difference, like, sometimes I tell myself "If I was a White woman, this would not be happening to me." As an Aboriginal woman, *I am automatically nothing but trash*, you know, I don't like being considered that way. I feel that from the community as whole, it's racism, and then the *judgment of being a sex worker*. I am a minority and I get treated differently [emphasis added].

Security and Safety: Aboriginal Women and Sex Work

In Canada, the mistreatment of Aboriginal women like Alice who engage in sex work is exacerbated by an ongoing constitutional challenge of Canada's prostitution laws, where in October 2009 three Ontario sex workers of Sex Professionals of Canada, applicants Amy Lebovitch, Terri-Jean Bedford, and Valerie Scott, argued that current prostitution laws threaten their Section 7 *Charter* rights to life, liberty and security of the person, and freedom of expression rights under Section 2. On September 28, 2010, Justice Susan Himel of the Ontario Superior Court of Justice struck down Sections 210, 212(1)(j) and 213(1)(c) [26], a decision which was later appealed by the Canadian government to the Court of Appeal for Ontario [27]. On March 26, 2012, the appellate court's decision was issued, demonstrating the Crown's successful limitation of Section 7 freedom of expression rights for communicating for the purposes of prostitution. After leave to appeal was granted, the Supreme Court of Canada heard arguments on June 13, 2013. The Supreme Court has since released a decision, *Bedford v Canada (AG)*, 2013 SCC 72. The verdict will have far-reaching implications for Aboriginal women's security and safety.

Unfortunately, Aboriginal women are over-policed like other Aboriginal peoples in Canada, including three out of the five Aboriginal sex workers included in the study who were criminally charged for soliciting; four of these individuals also experienced physical violence and "police abuse of power." It is clear that the *Criminal Code* [28] provisions reviewed by the Supreme Court of Canada will have significant impacts on the intersection between Aboriginal women sex workers and the criminal justice system, as well as Canada's obligations under Article 2(C)(D)(E) to "ensure the protection of women against any act of discrimination."

Violations of Article 2(C)(D)(E) of the Convention on the Elimination of All Forms of Discrimination against Women

Although the Supreme Court of Canada heard an appeal regarding the safety implications of sex work in Canada related to current *Criminal Code* provisions, Article 2(C)(D)(E) obliges state parties, of which Canada is a signatory, to "condemn discrimination against women in all its forms," which extends to the inclusion of Aboriginal women sex workers in addition to Aboriginal women more broadly. In Canada, "johns" (a sex worker's client) and police and law enforcement personnel subject Aboriginal women to sexual and physical exploitation at much higher rates compared to non-Aboriginal women. Sexual and physical mistreatment is unacceptable no matter the circumstance

or gender, but is particularly prevalent when examining Aboriginal women's safety and security. The Canadian government must investigate the abuse and murders of Aboriginal women regardless of current "prostitution" laws or political ideologies. Particularly, Article 2(C)(D)(E) requires state parties:

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through *competent national tribunals* and other *public institutions* the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that *public authorities and institutions* shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any *person, organization or enterprise* [emphasis added];

The Canadian government's irresponsible approach to ensuring Aboriginal women's safety and security is clear; the federal government has refused to establish a national inquiry into missing and murdered Aboriginal women, many of whom have gone missing or been murdered due to involvement in sex work, or targeted because of their perceived or self-identified ethnicity.

National Inquiry into Missing and Murdered Aboriginal Women

For decades, innumerable civil society organizations, nongovernmental organizations, municipal, provincial and federal politicians, community leaders, First Nations organizations (including the Assembly of First Nations), United Nations experts, and countless others, have called for a national inquiry into the hundreds of missing and murdered Aboriginal women in Canada. Discrimination and violence against Indigenous women has been well documented. The record and personal stories of these missing and murdered women, Canada's "stolen sisters," are indisputable. Organizations such as Amnesty International Canada [29] have researched and published extensively about governmental obligations to adopt measures "to guard against private individuals committing acts which result in human rights abuses." Accountability by state parties includes the need to ensure adequate police training, consistent data collection of the number of missing and murdered Aboriginal women, and jurisdictional coordination, internationally mandated practices of which Canada is a signatory.

The Canadian public, international human rights experts and bodies, as well as provincial and territorial leaders, all support a comprehensive review of violence against Aboriginal women across the country. In fact, ahead of the Council of the Federation meeting in July 2013, every provincial and territorial leader among Canada's ten provinces and three territories publicly supported an inquiry on missing and murdered Aboriginal women [30]. The Native Women's Association of Canada has been calling for an inquiry for the past thirteen years. In part, these leaders believe national-level coordination is required in order to compare and contrast jurisdictional similarities or distinctions. There is a plethora of research and evidence to support this approach, not the least of which is Canada's obligations under Article 2(C) of CEDAW to establish legal protections through national tribunals.

Provincially, an Order in Council established the Missing Women Commission of Inquiry in British Columbia on September 27, 2010 [31]. The Terms of Reference states the Inquiry's mandate is to:

(a) Inquire into and make findings of fact respecting the conduct of the investigations conducted between January 23, 1997 and February 5, 2002, by police forces in British Columbia respecting women reported missing from the Downtown Eastside of the city of Vancouver;

(b) Inquire into and make findings of fact respecting the decision of the Criminal Justice Branch on January 27, 1998, to enter a stay of proceedings on charges against Robert William Pickton of attempted murder, assault with a weapon, forcible confinement and aggravated assault;

(c) Recommend changes considered necessary respecting the initiation and conduct of investigations in British Columbia of missing women and suspected multiple homicides; and

(d) Recommend changes considered necessary respecting homicide investigations in British Columbia by more than one investigating organization, including the co-ordination of those investigations.

Although numerous reports from the Commission have been released, a national inquiry would ensure jurisdictional coordination, effective analyses of ineffective and discriminatory police practices, and a more accurate sense of the scale of the problem. As of October 2015, there were nearly 1,200 documented cases of missing and murdered Aboriginal women and girls, according to the Royal Canadian Mounted Police. Provincial and territorial leaders do not, cannot, and must not claim sole responsibility; instead, they must aim to work with the federal government and Aboriginal communities to address the problem collaboratively, while recognizing solutions may be adapted to the particular needs of various communities across Canada.

Canada's Periodic Report to the Secretary-General of the United Nations

Article 18 of CEDAW requires Canada and other state parties to submit a report outlining the progress made toward the principles of CEDAW. Article 18 states:

A. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

B. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

Canada's eighth reporting cycle to the UN Secretary-General was due December 1, 2014; reporting cycles six and seven were combined, submitted and published on August 17, 2007 [32]. This 186-page report, covering the period from April 1999 to March 2006, will form the discussion [33]. Although prostitution is not a criminal offence in Canada, the report fails to mention the measures taken to protect vulnerable and marginalized Aboriginal women who engage in sex work, particularly in rural communities.

The discussion of Article 6 focuses on trafficking and exploitation of women and girls generally; this appears to be the correct interpretation of the statute. However, although the suppression of "trafficking" of women into Canada appears to be in alignment with the legislation and

policies adopted by the Canadian government, the term "exploitation" is narrowly applied. The application of the term includes prohibitions against the sexual exploitation of children. The Canadian government has not recognized the disproportionate number of Aboriginal women who may "choose" to engage in sex work but are nonetheless subjected to exploitative behavior. This includes the basic premise that Aboriginal women may be exploited by both Aboriginal and non-Aboriginal men through unfair, sexually exploitative, violent, abusive, and sometimes homicidal encounters, at the hands of "johns," or others, who exploit them. Although Canada's periodic report acknowledges eight times higher spousal homicide rates for Aboriginal women compared to non-Aboriginal women, Canada's political stance surrounding prostitution laws may have diluted the attention these marginalized women may otherwise have received.

UN Periodic Review and Canada's Compliance with Articles 6 and 14 of CEDAW

In March 2008, the Committee on the Elimination of Discrimination against Women met and replied to Canada's combined sixth and seventh periodic submission, as per Article 20, issuing a list of considerations [34]. The Committee highlighted the need for additional information pertaining to Aboriginal women and their communities, noting patriarchal attitudes permeating Canadian society:

Stereotypes and education

Please inform the committee whether activities to promote Aboriginal women which are funded by the Government ... include awareness-raising programmes aimed at sensitizing Aboriginal communities about women's human rights and combating *patriarchal attitudes*, practices and stereotyping roles [emphasis added].

The Committee continued to inquire about public education programmes used in Newfoundland and Labrador to combat stereotypes, asking if similar culturally sensitive programming would be implemented in other provinces and territories; this relates to the need for jurisdictional collaboration and the sharing of best practices inter-provincially and inter-territorially in a systematic fashion, a request many politicians have expressed. The Committee does not comment explicitly on exploitation of prostitution, instead focusing on trafficking of women, but their discussion of patriarchal attitudes is important and will help Canada address widespread gender and stereotype-based discrimination that places Aboriginal women at increased danger.

The overrepresentation of Aboriginal women in the prison system, and the high level of violence and abuse directed toward them, was also highlighted. The Committee requested sex-disaggregated data of the gender impact of anti-poverty measures for minority groups, including Aboriginal women. This is important because the levels of poverty Aboriginal women face often impacts their involvement in sex work to support themselves and their families, and sex work places women at an increased risk of abuse and disappearance. Unfortunately, Canada's reply to the list of these issues was inaccessible through the United Nations database; however, the Committee's reply is significant because over half of the submission deals specifically with Aboriginal women's equality, including their representation in governance and legislative processes by means of election to public office. Again, it is a testament to the attention Aboriginal women's issues in Canada is amassing internationally because of government inaction and omissions.

Article 14, relating to challenges faced by rural women, specifically Aboriginal women, was not directly discussed in the Committee's six-

page reply. It would have been helpful for the Committee to address Aboriginal women's roles in the "non-monetized sectors of the economy," as Article 14 stipulates, although there was brief mention of the affordability of childcare and benefit levels for parental leave, to encourage men to equally contribute to family life and responsibilities. It is interesting to note that Canada's submission mentioned rural challenges facing minorities, including Aboriginal women, more than the Committee's reply, which may suggest compliance of this provision. Canada mentioned the Domestic Violence Action Plan, pertaining to Article 3 of CEDAW, and recognized the increased risk of domestic violence directed toward Aboriginal rural women who have limited access to support services, shelters, and crisis centres due to geography and culture. However, the government seems to engage in short-term commitments to discussions pertaining to Aboriginal women, such as the March 2006 policy forum on Aboriginal Women and Violence, rather than implementing a long-term, streamlined, coordinated national tribunal, in compliance with Article 2 of the Convention.

Intersecting CEDAW Provisions Impacting Aboriginal Women's Equality

Issues of sex work and rurality facing Aboriginal women formed the basis of the analyzing framework of CEDAW throughout the discussion; however, there was minimal discussion directly related to Articles 6 and 14 in Canada's periodic submission to the Committee and the Committee's reply. This may be explained by intersecting CEDAW provisions with other Articles within the statute. For example, systemic issues of poverty affecting Aboriginal women (Article 11), access to childcare and maternity services (Article 5), gender equitable parenting (Article 11), among other issues previously addressed, contribute to the exploitation of sex workers and a heightened rural-urban support services divide. The correction and improvement of these issues inextricably reinforces the principles contained in Articles 6 and 14.

Article 2: UN Periodic Review and Canada's Failure to Establish a National Inquiry

The remainder of the discussion will focus on Canada's compliance with Article 2 of the Convention, namely Canada's obligations to investigate the hundreds of missing and murdered Aboriginal women. It is shocking that the words "murder" and "murdered" appear a mere three times within the 186-page periodic report from Canada; these words occur only twice in the context of Aboriginal women homicide. The word "missing" as it relates to Aboriginal women is mentioned fourteen times. These numbers are symbolic because it demonstrates the lack of attention the Canadian government has for missing and murdered Aboriginal women.

In the report, the government references \$5 million in funding contributed to the Sisters in Spirit Initiative from 2005 to 2010, a campaign of the Native Women's Association of Canada. In part, the funding supported quantifying the number of missing and murdered Aboriginal women, which has been challenging, but the initiative should be a government-mandated priority. Second, the report mentions the Government of Saskatchewan's 2005 initiative to (1) increase police resources directed toward missing women investigations; (2) evaluate and redevelop police policies; and (3) strengthen partnerships with police, government, communities, and families of missing persons. The Missing Persons Task Force was regionally focused, and not a national tribunal as Article 2(C) implies. British Columbia's Hate Crimes Team

is also mentioned briefly, which simply named the Missing Women Taskforce, with no further elaboration or insight of what this taskforce entails. The \$5 million funding, Saskatchewan case study and "Missing Women Taskforce" are the only insights the Canadian government provided to the Committee. There was absolutely no mention of a national inquiry, tribunal, or investigative body within the 186-page report.

It seems, without question, that Canada has not only failed to take action as required by international law, but has also failed to even acknowledge the alarming problem at the request of respected United Nations agencies. Although the principle of equality for both men and women is enshrined in the Canadian constitution, as required by Article 2(A), "the practical realization of this principle" has not been met. Legislative frameworks prohibiting discrimination against women do exist as per Article 2(B)(F)(G); albeit the existence of such legislation does not mean compliance with enacted principles.

Further, Canada is in clear violation of Article 2(C), refusing to establish a national inquiry in the form of a tribunal. Canada has failed to conduct a nationwide investigation of systematic, discriminatory police practices against Aboriginal women as per Article 2(D), "to ensure that public authorities and institutions shall act in conformity with this obligation." Finally, Canada has not taken "all appropriate measures" to ensure the eradication of discrimination against women by "any person, organization or enterprise" as per Article 2(E); in fact, it has taken very few, regional measures, selectively funding Aboriginal women's rights initiatives generally, without directly addressing the tragedy of missing and murdered women.

Conclusion: Moving Forward Together—Struggles, Hope and Cautious Optimism

The purpose of emphasizing Article 6 through the lens of a local Ottawa-based sex workers advocacy group (POWER), and in discussing Article 14, was to direct attention to the stigmatic assumptions underlying rural Aboriginal women and those who engage in sex work, which contributes to vast social judgment by both Canadians and the government. It is difficult to quantify the number of Aboriginal women who have gone missing or been murdered as a result of involvement in sex work or living on isolated rural reserves and communities. The commonality is that these issues contribute to the social exclusion of Aboriginal women, reinforce recurrent themes of power and privilege, and remind us of the intersections of class, poverty, ethnicity, and gender.

It was disconcerting to examine the Convention and recognize the scale of Canada's incompletion. Government inaction is not only disgraceful to missing Aboriginal women, but a troublingly, brazen disregard to women's families, friends, and allies who have repeatedly sought justice for missing and murdered Aboriginal women. A fundamental theme throughout *Finding Dawn* was hope. It is now time Canadians take a united, assertive stand, and voice to the government the dire need for change and responsible leadership. As the struggle continues, collaboration on Aboriginal women's issues will hopefully improve the quality of life for daughters, sisters, aunts, friends, and mothers of missing and murdered Aboriginal women across Canada. We must honor Aboriginal women who have been tragically murdered, and vow to search for those still missing; in fact, international law obliges the Canadian government to undertake no less.

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