

Cahiers **DIALOG**

Cahier n° 2014-02. Research Paper

**FROM CIUDAD JUAREZ TO THE HIGHWAY OF TEARS: THESE
ABORIGINAL WOMEN MURDERED WITH COMPLETE IMPUNITY**

Marie France Labrecque

Montréal 2014

INRS
Université d'avant-garde



Réseau de recherche et de connaissances relatives aux peuples autochtones
Aboriginal Peoples Research and Knowledge Network
Red de investigación y de conocimientos relativos a los pueblos indígenas

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Cahiers DIALOG

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Title : *From Ciudad Juárez to the Highway of Tears: These Aboriginal Women Murdered With Complete Impunity*

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Publisher : Aboriginal Peoples Research and Knowledge Network (DIALOG) and Institut national de la recherche scientifique (INRS)

Place of publication : Montréal

Date : 2014

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Electronic Publishing

Céline Juin, Centre Urbanisation Culture Société, INRS

Linguistic Revision

Catherine Couturier, Centre Urbanisation Culture Société, INRS

Translation

Evelyn Lindhorst

Diffusion

DIALOG. Aboriginal Peoples Research and Knowledge Network

Institut national de la recherche scientifique

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Funding Agencies

DIALOG – Le réseau de recherche et de connaissances relatives aux peuples autochtones/Aboriginal Peoples Research and Knowledge Network is funded by le Fonds québécois de recherche sur la société et la culture (FQRSC) and by the Social Sciences and Humanities Research Council of Canada (SSHRC).

Host University of DIALOG Network



ISSN : 2291-4188 (printed)

ISSN : 2291-4196 (online)

Legal Deposit : 2014

Bibliothèque et Archives nationales du Québec

Bibliothèque et Archives Canada



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DIALOG — Aboriginal Peoples Research and Knowledge Network — is a space for innovative discussion and exchange between First Peoples and academia. DIALOG is designed to enhance research, facilitate the co-production of knowledge and foster the development of just, egalitarian and equitable social relations. DIALOG is an interuniversity, inter-institutional and international network created in 2001 and based at Institut national de la recherche scientifique (an academic branch of Université du Québec), Québec, Canada. Funded by the Fonds québécois de recherche sur la société et la culture and the Social Sciences and Humanities Research Council of Canada, DIALOG brings together more than 150 people from various universities and Aboriginal organizations and communities. DIALOG works closely with many Aboriginal partners and universities.

DIALOG members come from a wide range of disciplinary backgrounds, pursue varied practices and research interests, and share the common objective of advancing knowledge in view of a more egalitarian society and the full recognition of the cultures, rights, values and visions of the world of the First Peoples. Through its scientific activities, its programs in support of collaborative and community-partnered research, training and publishing, its knowledge mobilization initiatives, its dissemination mechanisms and its interactive data banks, DIALOG is contributing to the democratization of knowledge relating to the Aboriginal world on both the national and international levels. In today's knowledge society, DIALOG is helping to promote cultural diversity and the recognition of such to encourage the harmonious living together of diverse peoples. DIALOG's mandate is fourfold:

- **Fostering** constructive, innovative and lasting dialogue between the academic milieu and Aboriginal organizations and communities in order to revitalize and promote interactive and collaborative research.
- **Contributing** to a better understanding of the historical and contemporary social, economic, cultural and political realities of Aboriginal peoples and the dynamics of their relations with non-Aboriginal people by emphasizing the co-production of knowledge and by helping to make research and public policies more responsive to Aboriginal needs, approaches and perspectives.
- **Supporting** university students' training, guidance and supervision, particularly for Aboriginal students, by associating them with the network's activities and achievements and offering them financial assistance programs and excellence grants.
- **Increasing** the scientific and social impact of research relating to Aboriginal peoples by developing new knowledge tools in order to promote and disseminate research findings in Québec, Canada and worldwide.



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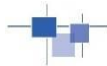
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sciences humaines du Canada

Social Sciences and Humanities
Research Council of Canada



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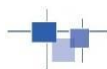
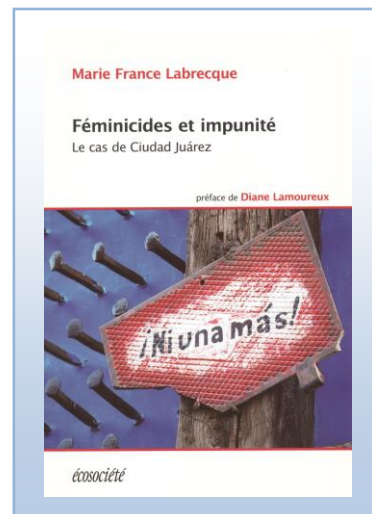
| Prologue |

From the book *Féminicides et impunité. Le cas de Ciudad Juárez* to the text “From Ciudad Juárez to the Highway of Tears: These Aboriginal Women Murdered With Complete Impunity”

In the past few years, the city of Juárez, Mexico, has become synonymous with extreme violence. This city is in fact one of the main sites of the merciless war waged between the country's various drug cartels. The Mexican state's current offensive to stamp out this violence has tended to overshadow Ciudad Juárez's role as the emblematic location of what is today known as femicide. From the mid-1990s to the present day, more than a thousand women have been killed in this city of less than two million inhabitants. In many cases, the women's bodies have been found in the desert that surrounds the city or on vacant lots, and bear the signs of torture and sexual cruelty. Most of these crimes have remained unpunished. The term “femicide” has gradually emerged as the preferred concept to describe this intolerable situation, which is far from being specific to Mexico. While it refers first and foremost to the fact of killing a woman simply because she is a woman, the concept of femicide also calls into question the responsibility of all levels of the state, where those involved help to maintain this impunity through their negligence or casual attitudes toward this crime. As long as stereotypes continue to prevail in Mexican society and impunity continues to run rampant, we can expect that femicide will not only continue to occur but will also spread and take on new forms.

Femicide is at the extreme end of a continuum of violence against women, and involves different characteristics than those found in the case of violence against men. We will not be able to eliminate these types of violence unless we acknowledge and deal with this continuum which, despite certain general characteristics specific to patriarchal societies, develops in different ways according to social contexts. Ciudad Juárez and Mexico are far from having the monopoly on femicide and impunity. And precisely in regard to this point, the denunciation of femicide in Mexico by a feminist from the North bears no trace of a rhetoric of saving those “poor women of the South.” Femicide also flourishes in Canada, especially against Aboriginal women, and it is just as necessary and urgent to denounce it. This is the objective pursued by the author of the text presented here.

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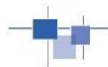


| Introduction |

Ciudad Juárez is a Mexican city situated on the Mexican-US border. Between 1993 and 2013, some 1,500 women and girls have been listed as murdered. Only 10% of these crimes have apparently been solved. In other words, in most cases, the guilty have not been brought to justice or punished. This kind of impunity is an integral part of the definition of what femicide is. Many women researchers have provided definitions that are equally appropriate. For the purposes of this article, I will use the definition developed by Mexican anthropologist Marcela Lagarde, for whom femicide is an extreme form of gender violence and a series of misogynous actions against women, the ultimate form of which is murder. Impunity is central to this definition, since if femicide happens and happens repeatedly, it is because the authorities, in the case of the murder of women, and of *certain kinds of women*, show their unconcern or negligence or even act in collusion with the assailants, so that these women's access to justice is blocked. Because the guilty are not punished, the message that is sent to society in general, and to violent men in particular, is that attacking and killing a woman "isn't very serious." The administration of justice is ultimately a state responsibility, which is why Lagarde says that femicide is in fact a state crime.¹

In other words, **femicide isn't simply the murder of women. It refers to relations of power that place these women in a subordinate position in society.** This means that women are subjected to all kinds of violence and are killed, generally by men, simply because they are women. Certainly, in looking at the raw data, a greater number of men than women are murdered, but, on the one hand, this is not because they are men, and, on the other, they are generally not murdered by women.

The case of femicide in Ciudad Juárez is undoubtedly the best documented in the world.² However, Mexico is far from being the worst country in terms of femicide. Countries such as El Salvador, Jamaica, Guatemala and South Africa have even more tragic records in this respect.³ And other countries are still far from acknowledging that femicide may occur within their borders. This is the case with Canada, especially in regard to the murder and disappearance of Aboriginal women. There are very specific reasons for this kind of denial.⁴ I plan to examine a few of these in the following pages, as I describe the way that the murder and disappearance of Aboriginal occur in "the most beautiful country in the world."



¹ Lagarde y de los Ríos Marcela. 2010. Preface. *Feminist Keys for Understanding Femicide: Theoretical, Political, and Legal Construction*, in Rosa-Linda Fregoso and Cynthia Bejarano (Eds.), *Terrorizing Women. Femicide in the Americas*. Durham & London: Duke University Press, p. xxiii.

² Labrecque Marie France. 2012. *Féminicides et impunité: le cas de Ciudad Juárez*. Montréal: Écosociété.

³ According to the Small Arms Survey. 2012. *Small Arms Survey 2012. Moving targets*. Cambridge: Cambridge University Press. www.smallarmssurvey.org, Accessed on 2014-03-10.

⁴ This denial also seems to extend to academic research. There are in fact still very few studies on femicide in Canada. Moreover, to my knowledge, the term is very rarely used by either academic researchers or activists.

1. Two emblematic cases of feminicide in Canada: the Highway of Tears and Downtown Eastside Vancouver

The “Highway of Tears” is a 724-kilometre stretch of Highway 16, which runs through several small rural towns between Prince George and Prince Rupert, British Columbia. Hitchhiking from one town to another is a common practice in this region, given the lack or scarcity of public transport. This highway has ended up being called the “Highway of Tears,” due to the number of murders and disappearances occurring along or close to its route.⁵ Of the 46 missing or murdered women along this highway since 1969, 33 (72%) were Aboriginal.⁶ Another piece of statistical data shows that about three quarters of the victims were teenagers.⁷ Most of these disappearances and murders have not been solved.

The sparse media coverage given to this case has prompted several observers to note that more tears have been shed on this highway than ink has been put to paper to describe it.⁸ The situation only began to be reported on a little more seriously in the media in 2002, when a young non-Aboriginal woman disappeared along this highway. But as this young woman’s disappearance attracted public attention to the Highway of Tears, it simultaneously relegated the fate of the other women to the status of a mere footnote.⁹ The Highway of Tears is one emblematic case of feminicide in Canada. The other is the case of Downtown Eastside Vancouver, also in the province of British Columbia.

Since 1983, in fact, about sixty women in Downtown Eastside Vancouver have been officially considered as missing persons. Roughly 30% of the population in this part of the city is Aboriginal, a proportion that is ten times higher than the national average.¹⁰ This area is also noted for the presence of street prostitution, and, indeed, several of the missing women were sex workers.¹¹ In 2002, 33 bodies of women, 13 of which were of Aboriginal women, were found on a farm in the province. A man named Robert Pickton was convicted in 2006 for the murders of six women, even though he boasted of having killed 49.¹² The entire investigation around this case was marked by a number of flaws, to the point that a provincial commission of inquiry, headed by

⁵ Human Rights Watch. 2013. *Those Who Take Us Away. Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada*. United States: Human Rights Watch, pp. 35-36.

⁶ Pearce Maryanne. 2013. *An Awkward Silence: Missing and Murdered Vulnerable Women and the Canadian Justice System*. Ph.D. thesis (Law), University of Ottawa, p. 255.

⁷ This data was calculated based on only 18 of the victims (Pearce 2013: 636).

⁸ Rolston Adriana. 2010. Highway of Tears Revisited, *Ryerson Review of Journalism* (Summer 2010). <http://www.rrj.ca/m8461/>, Accessed on 2014-03-10.

⁹ Rolston 2010.

¹⁰ MacCandless Rene A. 2013. *The Missing and Murdered Women of Vancouver: Framing Inequality in Media Discourse in the Vancouver Sun (2006-2011)*. Master’s thesis (Criminology), Saint Mary’s University, pp. 35-36.

¹¹ I use the expression “sex worker” to respect my sources and not to suggest that prostitution is a job like any other.

¹² Corriveau Jeanne. 2012. Femmes autochtones – Un air de déjà-vu, *Le Devoir*, December 22, 2012. <http://www.ledevoir.com...>, Accessed on 2014-03-10.

Wally Oppal, was set up.¹³ Oppal concluded that if Pickton could not have been arrested earlier, it was because of the stagnation of the police investigations, that is, those of the Vancouver police and the Royal Canadian Mounted Police (RCMP), which were conducted in parallel and without collaboration. The commission also determined that it was the fact that the victims were poor, drug-using sex workers, and that some of them were Aboriginal, that led to the lack of zeal on the police's part for solving the cases brought to their attention.¹⁴

2. Missing and murdered Aboriginal women and girls in Canada

These two emblematic cases are part of a larger situation of missing and murdered Aboriginal women in Canada. The relevant data have been collated and updated daily since February 2013 in the context of Operation Thunderbird, launched by a group of women from the Idle No More¹⁵ movement, in collaboration with the Anonymous network and based on public police sources. The data updates can be followed on *The Save Wiyabi Mapping Project* website, which also includes an interactive map that geographically situates the places of the murders and disappearances. On March 10, 2014, 939 cases had been recorded since 1975, 50% of which remained unsolved.¹⁶

These data are in line with those collated by a researcher, Maryanne Pearce, covering the period from 1946 to September 2013. This researcher listed some 3,329 cases of missing or murdered women of all ethnic backgrounds.¹⁷ Of this number, she found 824 cases of Aboriginal women, representing nearly 25% of all these cases.¹⁸ From a statistical viewpoint alone, this proportion in no way tallies with the percentage of the Aboriginal population in Canada. In light of the impact of the Downtown Eastside Vancouver case and of the stereotypes that it has helped to maintain, it is

¹³ This commission was fiercely criticized for not having listened to Aboriginal women enough and also because Wally Oppal was said to have in earlier circumstances refused to acknowledge that Aboriginal women in Canada had been sterilized without their knowledge or consent (Palmer Pamela. 2013. Harper seeks to blame Indigenous women for their own disappearance, *Rabble.ca*. <http://rabble.ca...>, Accessed on 2014-03-10).

¹⁴ Corriveau 2012; Pearce 2013: 49.

¹⁵ Idle No More / Jamais plus l'inaction is a movement of protest waged by First Nations, Métis and Inuit individuals and groups. It was set up to denounce the Canadian government's passing of Bill C-45, which, it was said, would lead to the violation of ancestral treaties (see http://fr.wikipedia.org/wiki/Mouvement_Idle_No_More, Accessed on 2014-03-10. On Operation Thunderbird, see also Zerbisias Antonia. 2014. Three women. Three deaths. One thing in common, *News/GTA*, January 19, 2014. <http://www.thestar.com...>, Accessed on 2014-03-10).

¹⁶ *The Save Wiyabi Mapping Project*. Online: <https://missingsisters.crowdmap.com/reports/>, Accessed on the 2014-03-10. Note that the cases listed also include cases from the northern United States.

¹⁷ This figure coincides to a great extent with data gathered by activist Gladys Radek during her 2013 cross-Canada walk (from Halifax to Prince Rupert—some 7,500 km) in the context of a Tears 4 Justice action. During this walk, the activist gathered the names of 4,200 missing or murdered women, a large proportion of whom are Aboriginal (Chartrand Vicki. 2013. Tears 4 Justice and the Missing and Murdered Women and Children Across Canada: An Interview with Gladys Radek, *Radical Criminology* (3): online: <http://journal.radicalcriminology.org...>, Accessed on 2014-03-10.)

¹⁸ Pearce 2013: 20-28.

important to mention that most of the missing or murdered Aboriginal women (80%) **are not** sex workers¹⁹—which basically means that Aboriginal identity is an even greater risk factor than are at-risk occupations themselves.

Canada's most recent demographic census dates back to 2006, and indicates that the country's Aboriginal population, amounting to 1,173,000 persons, represents 4% of the total population.²⁰ Aboriginal peoples include the First Nations, Métis and Inuit. Today, 54% of Aboriginal people live in urban areas. The Western Provinces and Ontario are home to 80% of Canada's Aboriginal population.²¹ In British Columbia in particular, Aboriginal peoples make up 16% of the province's population.²²

Some of the other statistics are staggering. For example, from 1997 to 2000, the overall murder rate for Aboriginal women was 5.4 people per 100,000 inhabitants, compared with 0.8 people per 100,000 inhabitants for non-Aboriginal women; that is, a level nearly seven times higher.²³ **Amnesty International states that an Aboriginal woman is 16 times more likely to be murdered than a non-Aboriginal woman.**²⁴ Aboriginal women also run a greater risk of being killed by a stranger, and their murderers are far less likely to be convicted.²⁵ According to Statistics Canada, First Nations women are three and a half times more likely to become victims of violence than other women, and seven times more likely to be killed.²⁶ In short, Aboriginal women and girls endure disproportionate levels of violence.²⁷

3. The vulnerability of Aboriginal women: a brief history

The fact that Aboriginal women are overrepresented in cases of murders and disappearances says something about their particular conditions, and about their vulnerability. The greatest factor in Aboriginal women's vulnerability is found in Canada's colonial history. In fact, many researchers agree that Aboriginal women

¹⁹ Pearce 2013: 680.

²⁰ In 2006, Canada's population was 31.5 million. In 2013, it was estimated at a little over 35 million (Statistics Canada. Online: <http://www.statcan.gc.ca...>, Accessed on 2014-03-10).

²¹ Pearce 2013: 61-64.

²² Pearce 2013: 648-649.

²³ Human Rights Watch. 2013: 25. Of note is the fact that the difference between the homicide rates for Aboriginal men and non-Aboriginal men is similar, with a rate of 12.2 homicides per 100,000 inhabitants for the former and 1.8 per 100,000 inhabitants for the latter. On the other hand, Aboriginal women are more likely to be victims of crimes of violence (343 incidents per 1,000 inhabitants) than Aboriginal men (292 incidents), non-Aboriginal men (107 incidents) or non-Aboriginal women (96 incidents) (Statistique Canada. 2006. *Centre canadien de la statistique juridique. Enquête sur les homicides*. Statistique Canada, No. 85-002-XIF in Catalogue Vol. 26, No. 3).

²⁴ MacCandless 2013: 35-36, from Amnesty International. 2004. *Canada. Stolen Sisters. Discrimination and Violence Against Indigenous Women in Canada. A Summary of Amnesty International's Concerns*. <http://www.amnesty.org...>

²⁵ Comité permanent de la condition féminine. 2011. *Rapport provisoire. Un cri dans la nuit : un aperçu de la violence faite aux femmes autochtones*. Ottawa: Chambre des Communes Canada, p. 15.

²⁶ Zerbisias 2014.

²⁷ APTN National News. 2013. Special MPs committee on murdered, missing Indigenous women holds inaugural meeting Tuesday, *APTN National News*, March 26, 2013, <http://aptn.ca...>, Accessed on 2014-03-10.

have been sexually exploited throughout history. As soon as Europeans first arrived in what is now Canada, the men required access to Aboriginal women to satisfy their sexual needs,²⁸ and thus forced these women to prostitute themselves.²⁹ Moreover, Aboriginal people were in fact considered as chattel in Canada and could be sold as such until 1834, when slavery was abolished throughout the British Empire. But the right to possess Aboriginal women continued to be upheld in the white colonist's imagination.³⁰ Aboriginal women and their bodies were, and are, seen as accessible. **Ever since the first contact with Europeans, moreover, two contradictory images of Aboriginal women have developed: on the one hand, that of the Indian princess, pure and untouchable, and, on the other, that of the “squaw” with loose morals that the European man could use as much as he wanted.**³¹

Starting in the nineteenth century, Aboriginal people began to be spatially confined³² with the promulgation of the *Indian Act* in 1876. This legislation is still in force today and its effects continue to persist and to intensify. In this regard, Razack writes: “There are perhaps no better indicators of continuing colonization and its accompanying spatial strategies of containment than the policing and incarceration of urban Aboriginal peoples, a direct continuation of the policing relationship of the nineteenth century.”³³ One of the reasons that Aboriginal people were confined in space lies in the colonial system's limitless desire for land and natural resources. This desire is greater than ever today, at a time of exploitation of the oil sands, a practice that is also extremely harmful to the environment.³⁴

Razack also believes that another indication of the effects of colonization can be found in the high rate of suicide among Aboriginal peoples, which is four times that of the non-Aboriginal population.³⁵ The overrepresentation of Aboriginal women and girls in the sex trade is also said to be a consequence of colonization, of the trauma of the

²⁸ MacCandless 2013: 34.

²⁹ In his book, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina: University of Regina Press, 2013), James Daschuk analyzes the origins of forced prostitution and sexual abuse in First Nations communities (commented upon in Griffin-Angus Mariah. 2013. For Native Women, the Highway of Tears Cuts Right Across Canada, *Huffington Post*, March 12, 2013. <http://www.huffingtonpost.ca...>, Accessed on 2014-03-10).

³⁰ Sikka Anette. 2009. *Trafficking of Aboriginal Women and Girls in Canada*. Ottawa: Institute on Governance, pp. 7-8.

³¹ Pearce 2013: 67.

³² Razack Sherene H. 2002. Gendered racial violence and spatialized justice. The murder of Pamela George, in Sherene H. Razack (Ed.), *Race, Space, and the Law. Unmapping a White Settler Society*: 131 Toronto: Between the Lines.

³³ Razack 2002: 133.

³⁴ Part of the traditional territory of the Cree of Beaver Lake, in particular, contains oil sands deposits that have been exploited without their being consulted—which is completely contrary to the International Labour Organization (ILO) *Indigenous and Tribal Peoples Convention (No. 169)* and the *United Nations Declaration on the Rights of Indigenous Peoples*. The Cree maintain that their water and the meat from the animals that they hunt are contaminated. This contamination is said to come from the toxic sludge discharged by the oil sands industry into tailing ponds, and the toxins leaking from these ponds (Léouzon Roxane. 2014. Cris du coeur d'une Autochtone dont la communauté est affectée par les sables bitumineux, *Journal Métro*, January 26, 2014. <http://journalmetro.com...>, Accessed on 2014-01-26).

³⁵ Razack 2002: 134.

Indian residential schools, and of the fragmenting of family and community life.³⁶ Today, more than half of Aboriginal people in Canada live in urban areas. Although a number of factors have contributed to this growing urbanization it is clear that the deplorable housing conditions in Aboriginal reserves and villages, especially since the cutbacks in federal housing funding in the 1980s,³⁷ have had a major impact on many women's life trajectories. So, Aboriginal people are in a way still confined, as they constitute one of the most disadvantaged social strata in these urban areas.

The *Indian Act*, adopted in 1876, is still in force, and, up to 1985, under section 12(1) (b), it stipulated that a First Nations woman who married a non-Aboriginal man lost her Indian status, whereas a First Nations man who married a non-Aboriginal woman did not lose his.³⁸ This legislation was an unadulterated product of the colonial administration; and this colonial administration is still being perpetuated today by a number of institutions, including the police.³⁹

4. Relations between Aboriginal peoples and the police

Research has shown that Indian Affairs officers, as well as members of the North West Mounted Police and other government officials, regularly abused First Nations and Métis women throughout their administrations.⁴⁰ Relations between Aboriginal peoples and the police have been profoundly affected by these behaviours extending over many decades, and indeed over two centuries. **So it is not surprising that, in the language of the Tl'azt'en Nation of British Columbia, the translation of the term used to refer to the police is "the man who throws you in a hole."**⁴¹

Relations between Aboriginal peoples and the police have recently been examined by the Human Rights Watch organization, specifically in the case of the Highway of Tears. This organization found high levels of fear of police among the women interviewed "levels of fear that [are normally found] in communities in post-conflict or post-transition countries such as Iraq where security forces have played an integral role in state abuses and enforcement of authoritarian policies."⁴² When the police are

³⁶ Sikka 2009: 1.

³⁷ Razack 2002: 132.

³⁸ In 1985, Bill C-31 revised the status of Indian women: it enabled them to regain the "Indian" status that they had lost in marrying a non-Aboriginal man. But this legislation failed to take into account the longer-term generational consequences of the *Indian Act*. This situation was remedied on December 15, 2010, when Bill C-3 (*Gender Equity in Indian Registration Act*), legislation that had been demanded and defended by Aboriginal women, received royal assent (Arnaud Aurélie and Émilie Grenier. 2010. Le projet de loi C-31 et l'affaire Sharon McIvor. La discrimination envers les femmes autochtones n'est toujours pas réglée, *Bulletin de la ligue des droits et libertés* (printemps 2010): 42-43). Some 45,000 Aboriginal women and their descendants can thus again exercise the right to be registered in the Indian Register. Thousands of people were nonetheless forgotten by this amendment, and there is currently an appeal to enable them to gain access to Indian status: this is the *McIvor v. Canada* appeal (Human Rights Watch 2013: Note 7).

³⁹ Gerald John Bart. 2013. Femmes autochtones disparues, *Global Research*, September 11, 2013. <http://www.mondialisation.ca...>, Accessed on 2014-03-10.

⁴⁰ Pearce 2013: 197, from Razack 2002.

⁴¹ Pearce 2013: 673, from Human Rights Watch 2013.

⁴² Human Rights Watch 2013: 34.

not abusing Aboriginal women, they fail to take statements about the disappearance and murder of Aboriginal women seriously,⁴³ precisely because these are Aboriginal women. In the Highway of Tears case, Aboriginal women's disappearances only began to be taken seriously, by the media, among others, when a young non-Aboriginal woman was reported as missing.⁴⁴ And here we can reference Goode and Maskovsky's interpretation, whereby the media silence up to that point is a strategy of representation that can be attributed to "a neo-liberal mode of governance that selectively marginalizes and/or erases categories of people."⁴⁵ And when the silence is broken, the results are not necessarily any better. According to researcher Yasmin Jiwani, in the Canadian media, and especially in *The Globe and Mail*, the coverage of Aboriginal women represents them as "abject victims of poverty" and "inept, drunk, addicted, mothers who did not seem to be capable of maternal feeling." The researcher maintains that these stereotypes ensue from the lack of social or historical context.⁴⁶

The police's lack of diligence and the impunity that results from this are linked to the assumption that the missing Aboriginal women are involved in prostitution or that they deliberately chose to take risks.⁴⁷ It is felt that sex workers have chosen their fate, and thus do not merit our compassion, even after death.⁴⁸ A provincial commission of inquiry in British Columbia, organized in part because of the murders and disappearances of women working in Downtown Eastside Vancouver, stated in 2012 that the Aboriginal victims "did not receive equal treatment by police."⁴⁹ The Royal Canadian Mounted Police in particular was the focus of scathing reports, including the 2013 Human Rights Watch report. The attitude taken by the police was generally to blame the victim.

5. The role and responsibility of the Canadian state

The topic of relations between the police and Aboriginal peoples leads us directly to that of the role and responsibility of the state. And this is the reason that various organizations such as the Native Women's Association of Canada and even the Canadian Bar Association have denounced the social and systematic trivialization of the violence against Aboriginal women, and are calling for a national public inquiry⁵⁰

⁴³ Comité permanent de la condition féminine 2011: 16.

⁴⁴ Pearce 2013: 649.

⁴⁵ Goode Judith and Jeff Maskovsky (Eds.). 2001. *The New Poverty Studies: The Ethnography of Power, Politics, and Impoverished People in the United States*. New York: New York University Press. Cited by Culhane Dara. 2003. Their spirits within us: Aboriginal women in Downtown Eastside Vancouver emerging into visibility, *The American Indian Quarterly* 27(2): 594-595.

⁴⁶ From HabiloMédias. n.d. *Représentations dans les médias des femmes autochtones disparues et assassinées*. Online: <http://habilomedias.ca...>, Accessed on 2014-03-10. The document that is referred to is: Jiwani Yasmin. 2009. Symbolic and Discursive Violence in Media Representations of Aboriginal Missing and Murdered Women, in David Weir and Marika Guggisberg (Eds.), *Understanding Violence: Contexts and Portrayals*. Oxford: Inter-Disciplinary Press. <http://www.inter-disciplinary.net...>

⁴⁷ Razack 2002: 135.

⁴⁸ MacCandless 2013: 11.

⁴⁹ Zerbisias 2014.

⁵⁰ Canadian Bar Association (CBA). 2013. *Mettre fin à la violence faite aux femmes autochtones*. Résolution 13-02-M. <http://www.cba.org...>, Accessed on 2013-07-25.

and the development of a national action plan to end this violence⁵¹—which Stephen Harper's current government is stubbornly refusing to do, even though the provincial premiers⁵² and the Assembly of First Nations⁵³ have expressly asked him to do so.

Canada has also been criticized a number of times and by numerous international organizations and institutions, including Amnesty International (in its 2004 and 2009 reports) and Human Rights Watch, but also and especially by the Inter-American Commission on Human Rights (IACHR), the United Nations Committee for the Elimination of Discrimination Against Women (2008), and, more recently, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, James Anaya (2013). One of the questions being asked is whether Canada has exercised due diligence in this context, especially in line with the *United Nations Convention on the Elimination of All Forms of Discrimination Against Women*, which Canada ratified in 1981. It is said to be Canada's duty to conduct an inquiry that would be able to lead to the identification and punishment of the individuals responsible.⁵⁴

What the government did, instead of what was being asked, was to not renew the funding that the Native Women's Association of Canada had used to develop a program called *Sisters In Spirit*, through which researchers from this organization had been able to produce a database that included some 582 cases of Aboriginal women missing or murdered over the past 30 years.⁵⁵ The \$10 million that had been expected was instead allocated to the Canadian Police Information Centre, in other words, to the RCMP, starting in 2010 and for a period of five years. On January 31, 2013, the creation of a national database, accessible on the Internet, was announced, which would include all missing persons as well as unidentified human remains. The problem, highlighted, moreover, by the Native Women's Association of Canada, is that this database is not specific to Aboriginal women. Human Rights Watch has stated that: "The absence of race-disaggregated data will obscure the racial dimensions of the violence and inhibit efforts to identify discrimination in efforts to prevent and respond to violence."⁵⁶ The approach adopted by the RCMP eliminates any possibility of situating these cases in their specific context.

⁵¹ Assembly of First Nations. 2013. *AFN National Chief Comments on Federal Government's Speech from the Throne: "Seizing Canada's Moment' Must Mean Action for First Nations."* Press release, October 16, 2013. Online: <http://www.afn.ca...> Accessed on 2014-03-10.

⁵² Zerbisias 2014.

⁵³ Gerald 2013.

⁵⁴ Human Rights Watch 2013: 78.

⁵⁵ Of this number, 67% are cases of murder (death by homicide or negligence); 20% are cases of disappearances; 4% are cases of suspicious death—death that is considered natural or accidental by the police but is seen as suspicious by members of the person's family or community; and 9% are cases of an unknown nature—it is not known whether the woman was murdered, whether she is simply missing, or whether she died in suspicious circumstances (NWAC 2009, Fact Sheet : Missing and Murdered Aboriginal Women and Girls).

⁵⁶ Human Rights Watch 2013: 81.

6. The colonial situation today: poverty and boundaries

The attitude of the police, the media, the justice system in general, and, finally, the Canadian state, is rooted in the colonial situation, and reflects a whole range of prejudices and stereotypes specific to Canadian society. The fact that the disappearances of Aboriginal women are not taken seriously is also linked to these women's social class. The 300 years of colonization in Canada have led to widespread poverty among Aboriginal peoples. Some of the problems stemming from this are violence and victimization, poor health and high morbidity rates, drug abuse, and lower education levels than for the Canadian population overall. The residential schools have also left their mark, by destroying family solidarity and contributing to the loss of languages and cultures.⁵⁷ In terms of education, for example, 35% of Aboriginal women over the age of 25 did not have high school diplomas in 2006, compared with 20% of non-Aboriginal women.⁵⁸ Aboriginal women also have average annual incomes that are 30% lower than those of non-Aboriginal Canadian women.⁵⁹ In regard to the family, in British Columbia, in 2007-2008 in particular, Aboriginal children accounted for 52% of all children taken into state care, whereas they only represented 8% of all children in the province.⁶⁰ In sum, among the more or less immediate causes of the conditions of Aboriginal women, we find: rapes and other abuses in the residential schools, forced sterilizations, the unwanted placement of thousands of children in foster families, the overrepresentation of Aboriginal women in prisons, and the many generations of Aboriginal women who lost their Indian status and membership in the community and were evicted from reserves under federal legislation.⁶¹

Even though we cannot prove that Aboriginal women have been specifically targeted because of their ethnicity, they are nonetheless part of a population that is generally disadvantaged, and that, for this reason, as concerns women in particular, sometimes engages in at-risk activities.⁶² According to Human Rights Watch, "The violence against indigenous women and girls is integrally linked to the social and economic disadvantages that are the product of years of structural discrimination."⁶³

The current Canadian regime can be qualified as neo-colonial. Throughout this regime, Aboriginal people, and, all the more so, Aboriginal women, have been characterized not just as "others" but also as "degenerate others." The figure of the sex worker effectively achieves this end. As Janzen *et al.* note: "In constituting street sex workers as a threat to civilized society, we are constantly redrawing boundaries between 'me' and 'Not me. Not that'"⁶⁴. In this perspective, the white man's use of

⁵⁷ Pearce 2013: 673.

⁵⁸ Human Rights Watch 2013: 28.

⁵⁹ Montpetit Caroline. 2010. À la recherche des femmes autochtones disparues, *Le Devoir*, November 20, 2010.

⁶⁰ Human Rights Watch 2013: 28.

⁶¹ Palmater 2013.

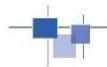
⁶² Pearce 2013: 648-649.

⁶³ Human Rights Watch 2013: 85.

⁶⁴ Janzen Caitlin, Susan Strega, Leslie Brown, Jeannie Morgan and Jeannine Carrière. 2013. "Nothing Short of a Horror Show": Triggering Abjection of Street Workers in Western Canadian Newspapers, *Hypatia* 28 (1): 145.

violence against Aboriginal women, whether they are sex workers or not, can be seen as a colonial practice, as a way of reinforcing the boundary between oneself and “degenerate others”. This violence, as also exercised by the justice system, and which has been concretized in impunity, confirms the colonial order.⁶⁵ **One would not expect that, in one of the richest countries in the world, so many cases have not been solved—and again, one would have to agree on what “solved” means.**

As I have already mentioned, many international organizations have clearly not failed to criticize the Canadian state in the name of the international conventions that it has signed. None of these conventions has however been reinforced in law, so that Canada can flaunt them. The situation will not change as long as Canada continues to maintain its stance of denial and does not recognize at least two things: first, that the specific vulnerability and victimization of Aboriginal women and girls—not only of those that engage in at-risk activities, but also of all Aboriginal women—stems from the country’s colonial history; and second, that reparation is necessary.



⁶⁵ Razack 2002: 126.

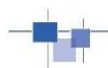
| Conclusion |

Like a number of other women researchers, I am proposing an interpretation of feminicide—whether in Ciudad Juárez or in Canada—that is based on a feminist political economy and intersectional approach. This approach not only recognizes the many systems of oppression that operate according to (although not exclusively based on) the categories of sex/gender, class, race and the body, but also postulates their interaction in the production and reproduction of social inequalities. Let us take, for example, the factors of social class, gender, and race—this latter being understood here as a social construction that nonetheless has concrete effects. It is probably the overriding influence of one or the other of the factors that makes the difference in the specificities of feminicide in one country or the other. So, even though Canada and Mexico were not colonized in the same way, and although the demographic numbers of Aboriginal people are very different in these two countries, Aboriginal people are facing the same conditions:

[...] low pay, high rates of incarceration and surveillance, denial of equal access to social services, gross health inequalities and the daily reality of systemic poverty and racism. And Canada's state and corporate wealth is largely based on the subsidies provided by cheap migrant labour [from the South] and the theft of Indigenous resources.⁶⁶

As in Mexico, the dynamics of feminicide in Canada remain extremely complex. It could hardly be otherwise, because Aboriginal women in Canada, like those in Ciudad Juárez, find themselves at the intersection of multiple and complex discriminating factors, such as, not only gender, but also race and social class. These factors, which should also include those related to age, continually interact with one another. That is why it is important to consider the specific local contexts in which these dynamics take place, but without overlooking general and global trends, such as, of course, globalization and neoliberalism. In these contexts, the hegemonies tied to the dynamics of class, gender and race are concretized through the social hierarchization of groups and individuals.

This analysis should clearly be pursued in greater depth, but, in both Mexico and Canada, there are few studies that refer to the specific effects that these inequalities have on women in general and on Aboriginal women in particular. It is certainly of interest to examine and denounce feminicide on the transnational level, or the extreme violence perpetrated against women. On the other hand, it is clear that they do not have the same meaning in each country or even in each region. Although misogyny and the hatred of women are widespread, the way that they are expressed depends on a series of factors that we urgently need to understand if we want to eradicate violence against women. In this approach, research on this topic and activism both have their place, as long as they mutually nourish and enlighten one another.



⁶⁶ Walia Harsha. 2010. Transient servitude: migrant labour in Canada and the apartheid of citizenship, *Race & Class* 52 (1): 81.