



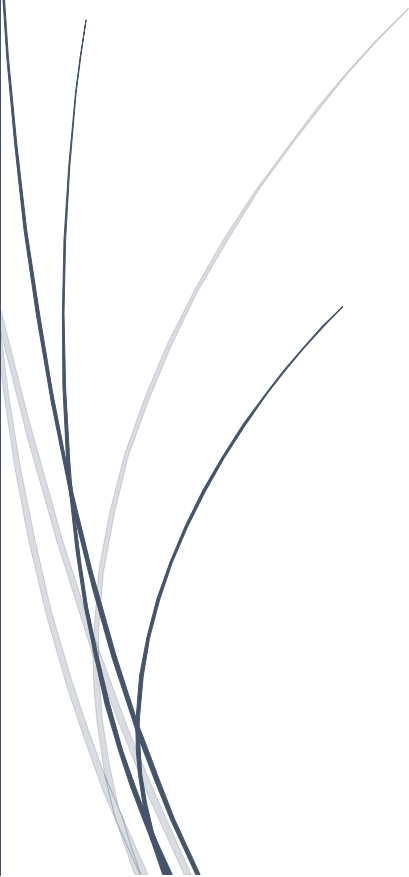
Research Paper on Role of Justice system on Violence Against Indigenous Women

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Abstract

According to the RCMP statistics, from 1980 to 2012, the rate of murdered indigenous women is 16% whereas the overall population of Indigenous women is only 4%¹. This disproportionate rate raises questions on why RCMP and Canadian courts are failing to control this high number of murders against indigenous women. It also raises serious question on whether there is a human rights crisis and ongoing genocide in Canada regarding violence against indigenous women. To examine these questions, which theoretical framework will explain the ongoing crisis effectively. This research paper aims to answer these questions according to an intersectional framework.

Based on the assumption that the 'missing and murdered indigenous women and girls', is a human rights crisis and amounted as an ongoing genocide, according to the international human rights standard, this paper will analyze with an intersectional lens, the root causes of this genocide, and how indigenous women ended up being victims of this systemic colonial, racist, sexist society of Canada.

Because of systemic and structural problems such as racism, colonialism and various forms of oppression, Indigenous women are perceived by settlers as disposable. Therefore, the ongoing genocide was ignored by justice system for so long. The perpetrators also felt that these victims are disposable and expendable. Therefore, adequate care and protection were not given to these victims and the genocide continued.

¹Assembly of First Nations

<https://afn.ca/rights-justice/murdered-missing-indigenous-women-girls/#:~:text=Indigenous%20women%20are%20four%20times,of%20the%20population%20of%20Canada.>

The RCMP or police failed to protect these Indigenous women by not taking missing reports or even if they have taken, they did not take it seriously. The Accused were charged with lesser offences.

Finally, this paper will analyze the possible recommendations, specifically will focus on the process of decolonization and restore community-based solutions to fight against this genocide.

Introduction

The violence against women, particularly, the missing and murdered Indigenous women is an ongoing genocide and therefore extremely vital for Indigenous communities. The collective efforts of structural and systemic factors brought this heinous situation today where Indigenous women feel no safe. 'According to their calculations, Indigenous women and girls are 12 times more likely to be murdered or missing than any other women in Canada, and 16 times more likely than Caucasian women'².

'The truth is that we live in a country whose laws and institutions perpetuate violations of basic human and Indigenous rights. These violations amount to nothing less than the deliberate, often covert campaign of genocide against Indigenous women, girls, and 2SLGBTQQIA people.'³

² Reclaiming power and place, the final report of national inquiry into Missing and Murdered indigenous Women and Girls', (2019), Vol: 2, Page-55.

³ Reclaiming power and place, the final report of national inquiry into Missing and Murdered indigenous Women and Girls', (2019), Vol: 2, Page-5.

In the final report of national Inquiry on MMIWG, it is clearly stated that this violence against indigenous women and girls and 2SLGBTQIA+ is considered as genocide. This conclusion was drawn based on 'Convention on the Prevention and Punishment of the Crime of Genocide'⁴. The UN Convention clarifies that only mass killing is not genocide, as in the Article I state that genocide can be carried on even in peace time. Article II explains the meaning of genocide and extends its scope to intentional destroy of any national, ethnical, racial, religious groups. The destructions include killing, bodily harm, mental trauma, prevention of birth of that group.⁵

Taking into account of these matters, in the final report of MMIWG, the violence against Indigenous women is concluded as ongoing genocide of Canada. This paper will only focus on gender issues, therefore, only will discuss about the violence against women matters. The 2SLGBTQIA will not be discussed due to the limitation of length of the paper.

This paper will discuss about the statistics about gender based violence to show the disproportionate rate mainly between Indigenous women and non-Indigenous women. Evaluation of data with the lens of theory and framework will lead to important social factors, which are mainly responsible for this disparity. This paper will discuss about colonial Acts such 'The British North America' BNA Act, now known as 'The Constitution Act 1867' and show how patriarchy embedded in the Indigenous community because of

⁴ 'Convention on the Prevention and Punishment of the Crime of Genocide'.

https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

⁵ Ibid

colonialism, later will discuss racism which is a byproduct of colonialism and how it affects violence against Indigenous women.

Indigenous women are targets of everyone, including their intimate partners, indigenous, non-indigenous, serial killers ect. ⁶ Therefore, there is a deep human rights crisis in this context which directly affects today's gender based violence.

Literature Review

The violence against Indigenous women is a burning topic for Canada. Thousands of women and girls were missing and murdered for so long and it was unnoticed or more appropriate to say that the matter was intentionally ignored by the system in power. In the final report of National Inquiry report on MMIWG, this issue was called as genocide of Canada which became fatal due to inaction of justice system and people in power of Canada⁷. 'The National Inquiry's findings support characterizing these acts, including violence against Indigenous women, girls, and 2SLGBTQIA people, as genocide.'⁸

In statistics it was published that the overall population of indigenous women in Canada is only 4.3%, but the rate of missing and killed indigenous women is four times higher than the total population rate of indigenous women⁹. Another data is 'Indigenous women

⁶ Ibid 55

⁷ Reclaiming power and place, the final report of national inquiry into Missing and Murdered indigenous Women and Girls', (2019), Vol: 2

⁸ Ibid 54

⁹ Violence and discrimination Against Indigenous Women in British Columbia, 2014, chapter 3, page 11
'Inter American Commission on Human Rights' - IACHR, OEA/Ser.L/V/11, 2014

disproportionately live in poverty as single parents; their overincarceration rates have increased by 90% in the last decade; and 48% of all children in foster care in Canada are Indigenous'¹⁰.

This data shows the disproportionate rate which is shocking. However, Statistics Canada suggested that 81% of violent cases were done by those who were known to these victim Indigenous women. Among them there were intimate partners, family members, acquaintances and others. Among the perpetrators 86% were Indigenous.¹¹ therefore, data by Statistics Canada is suggesting that most Indigenous women are murdered and attacked by Indigenous men. However, this critical issue can not be explained only by data. In the final report of national Inquiry of MMIWG, many suffered indigenous women testified that they had been prey to violence as a result of colonialism, racism, patriarchy, as well as for their economic condition, their education and culture¹². So, therefore, it from the historical, social and structural point of view or perspectives as well.

Given the complex matter, it would be best to describe the genocide by using intersectionality framework, which was mainly developed by Kimberly Crenshaw. Long ago violence against women used to considered as domestic issues and thought to be confined within family matters which has been changed now. Presently, it is considered at a broader perspective, where Intersectionality framework is considered to explain this

¹⁰ Reclaiming power and place, the final report of national inquiry into Missing and Murdered indigenous Women and Girls', (2019), Vol: 2. 53

¹¹ Marta Burczycka and Adam Cotter, 'Court outcomes in homicides of Indigenous women and girls, 2009 to 2021', Statistics Canada, (2023, October 4) Accessed on December 5 at <https://www150.statcan.gc.ca/n1/pub/85-002-x/2023001/article/00006-eng.htm>

¹² 'Reclaiming power and place, the final report of national inquiry into Missing and Murdered indigenous Women and Girls', (2019), Vol: 2, Page-11.

complex matter. Women are seen as a class where violence is recognized as systematic oppression, rather than an isolated case.¹³ The disposability framework along with intersectionality has been used to explain this issue.¹⁴

Since the introduction of BMA Act, the Indigenous communities endured years of turmoil by the actions of Canadians. Years of oppression and torture have been incorporated in the truth and reconciliation report where it can be seen that children of indigenous families were tortured, abused physically, mentally, sexually, and died, then secretly buried¹⁵. The residential schools were the outcome of the intentions of settlers to transform and possess the land by way of colonization and Christianization, targeting to eradicate the culture, language and identity of the indigenous communities.¹⁶ Police used to take forcefully children from their families to the residential schools where they were tortured, physically, mentally as well as sexually abused and killed. So, there is these hundred years of history of oppression and distrust between each other. This long history express itself in today's inaction of RCMP, where police is treating the indigenous communities and women in a racist way. They believe that indigenous communities are causing crimes in the society and therefore, people should be cautious against them. Indigenous communities are threat to society and hence deserve no protection. So, they neglect the missing and murdered Indigenous women cases at such a level that offenders feel no

¹³ Crenshaw Kimberlé Williams, (1991), 'Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color'.

¹⁴ Sherene H. Razack, 'Gendering Disposability', Canadian Journal of Women and the Law 29, no. 1

¹⁵ 'Truth and Reconciliation Commission of Canada' 'Honouring the truth and Reconciling for the future', (2015) Page v-vi,
https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf

¹⁶ 'Truth and Reconciliation Commission of Canada' 'Honouring the truth and Reconciling for the future', (2015) Page- 50, truth and reconciliation report (2015).

threat or caution to commit crimes and that is why they have the courage to continue these crimes repeatedly. In Final report of MMIWG it was stated that police thought and have perception that indigenous women have habits of running away on their own and so, there is no need for investigation or even take an official report of these matters. Police also gave their reasons that, these women normally do not have family ties and often run away on their own from their community, which in fact false because all of them had strong family ties and despite that they went missing¹⁷. This perception is highly dangerous because, it encourages the offenders to commit more crimes as such since indigenous women are clearly unsafe and easy targets as marginalized group and if commit crime on them, there will be no official report on the matter¹⁸.

The scenario is no different in the court proceeding of the state. It is as heavily biased as the enforcement system. The notable case is, R vs Barton (2019), is an example, where Razzack took this case to explain how the Indigenous women are disposable and unprotected in the eye of law in court.¹⁹

Cindy did not get justice nor respected even as a human being even after her brutal demise. In the lower court proceeding, she was referred as a prostitute which was completely unnecessary and no one including prosecution, judge made no objection to such injustice. Moreover, if a woman is prostitute, then it is falsely assumed that she was

¹⁷ Hanson, Erin. 'A Brief History of The Marginalization of Aboriginal Women In Canada', 'indigenous Foundations', Marginalisation of Aboriginal Women, indigenous Foundations, https://indigenousfoundations.arts.ubc.ca/marginalization_of_aboriginal_women/

¹⁸ Violence and discrimination Against Indigenous Women in British Columbia, 2014, chapter 3, page 51 'Inter American Commission on Human Rights' - IACHR, OEA/Ser.L/V/11, 2014

¹⁹ Sherene H. Razack, 'Gendering Disposability', Canadian Journal of Women and the Law 29, no. 1

given her consent. All these unlawful disrespectful acts were allowed by the lower court judge, as a result, the jury eventually acquitted Barton from first degree murder charges from first trial. This acquittal shocked indigenous community and they demanded justice. Later the order of acquittal was dismissed by Supreme court and held to start a new trial of Barton for second degree murder charge (manslaughter)²⁰.

Cindy was presented in an utterly disrespectful way. Her identity was dehumanized within the whole proceeding, presenting body part is not a norm of the court proceeding, but because she was treated inhumanly, her private body part was presented as such. Moreover, Barton openly testified that he went in to a contract with Cindy to have sex and that is why he believed he had the right to use Cindy's body until disposable. This mentality is colonial and Barton thought in this way, because he was raised in a colonial society where an indigenous women are treated like that they can be disposed after use²¹.

The statistics on violence against indigenous women

From 2009 to 2021, the rate of murdered Indigenous women is six times higher than non-indigenous women.²² despite having fallen in the same group of gender, there is this disparity. Therefore, it refers that various factors are relevant for such disparities. In this

²⁰ R. v. Barton, 2019 SCC 33, [2019] 2 S.C.R. 579, Case number: 37769

²¹ Razack. Sherene H., "Sexualized Violence and Colonialism: Reflections on the Inquiry into Missing and Murdered Indigenous Women", Editorial, 'Canadian Journal of women and the law', Volume 28 Issue 2, August 2016, pp. i-iv, 2016, page ii.

²² Marta Burczycka and Adam Cotter, 'Court outcomes in homicides of Indigenous women and girls, 2009 to 2021', Statistics Canada, (2023, October 4) Accessed on December 5 at <https://www150.statcan.gc.ca/n1/pub/85-002-x/2023001/article/00006-eng.htm>

paper these factors will be discussed with a comparison with non-indigenous women, since they are the same gender group.

Among the murdered indigenous women, 81% of them were murdered by perpetrators, who were known to the victims. Among these known murderers 35% were their intimate partners, 24% were acquaintances, 22% were their family members. Overall, 86% of the accused were of indigenous origin.²³ Every 6 Indigenous women out 10 became victims by their intimate partners. The percentage amounts to 66%, quite high in compared to non-indigenous women victims, which is 44%.²⁴

The process of violence starts for many victims from their childhood. 42% for indigenous and 27% for non-indigenous women faced various forms of violence, including physical and sexual, since their childhood. This childhood experiences caused various forms of mental trauma, which are also responsible for causing violence.

Besides this, another injustice is, Indigenous people are disproportionately being blamed for crime. In year 2020/21, 42.6 Indigenous people were in custody, per 10000 people, where non-Indigenous people were only 4²⁵.

The reason of such disproportionate rate is systemic. The colonial regulations, dispossession from land, all those leads to economic marginalization and

²³ Ibid

²⁴ Loanna Heidinger, 'Intimate partner violence: Experiences of First Nations, Métis and Inuit women in Canada, 2018' 'Canadian Centre for Justice and Community Safety Statistics' release date May 19, 2021. Accessed on December 4, 2024, at <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00007-eng.htm>

²⁵ 'Over-representation of Indigenous persons in adult provincial custody, 2019/2020 and 2020/2021'. Accessed at <https://www150.statcan.gc.ca/n1/pub/85-002-x/2023001/article/00004-eng.htm>

intergenerational trauma. Colonial trauma passes through generation to generation which causing mental health problems and forced assimilation process caused poverty, overall forced Indigenous communities to be part of criminal justice system. when approached by criminal justice system, Indigenous community people do not get fair treatment due to systemic bias and distrust, which overall causing this disproportionate rate in incarceration. ²⁶

Again, when cases finally reach to the door of justice system, there start other different issues. If a victim is indigenous woman, then the accused are less likely to charges as first-degree murder (27%) than a non-indigenous woman (54%). The rate we can see that again very disproportionate.²⁷ When the victim is indigenous woman, the charges are more likely to be second degree (60%), whereas, if she is non-Indigenous, then the charges are less likely to be of second degree (39%). When both victims and accused are indigenous, then it less likely to be charged as first degree homicide (18%), whereas, if both victim and accused are non-indigenous, then the charges are more likely to be first degree homicide charges (44%).

Therefore, the different disproportionate rate between the two groups within the justice system, clearly show that this varies because of the identity of the victim and accused. When police consider a homicide case, after investigation, and charge frame, the case goes to court for trial. So, a lot depends on how police will charge the case. The statistics show that police is more likely to charge a case as second degree murder or a homicide

²⁶ Ibid

²⁷ Ibid

case rather than first degree murder, if the victim is indigenous woman. In case of non-indigenous woman victim, it is just reversed.

While framing charge police evaluates various aspects of case, such as relationships, motives ect, which also make impact on their decisions. In most homicide cases where victims are indigenous, police made final report based on that they are indigenous, they were attacked by family members or intimate partners, the motives were out of quarrel and the accused is also an indigenous. Where these factors suit to any case, the charge is more likely to be a manslaughter. Whereas, the case is not same in non-indigenous women victims as explained through statistics above.

So therefore, even the rate of gender based violent cases are higher in case of Indigenous women, the punishment or sentencing period is lesser for criminals involved with indigenous women than non- indigenous women²⁸. This statistics shows the disproportional rates which means over policing but under protection of indigenous people by Police or RCMP. However, to understand the cause of this genocide to a deeper level, it is important to analyze the structural perspective, because the fact in issue is a systemic problem, rather an isolated one.

Inaction of RCMP and their reasons

Police force is liable for not taking adequate actions when indigenous women went missing. In the report of 2004 Amnesty International it was stated that police force doesn't even consider to give protection to indigenous women or people, rather they believe other

²⁸ Ibid

people or citizens should be protected from indigenous people²⁹. This is the core believe system of Canadian justice system.

In the report of Royal Canadian Mounted Police (RCMP)³⁰, probable cause of missing women was identified. According to that report, 27% of cases was found for foul play, 27% was for accident, 7% for lost and 1% for runaway reasons.

However, in the report it was shown that certain risk factors were present only in indigenous women murder cases as opposed to non-indigenous women and this is how the report justified the high rate of indigenous women's murder in Canada. The risk factors were firstly employment status. Among the victims' indigenous women were mostly unemployed than non-indigenous women (16% and 40%). Among them 18% were supporting themselves through illegal means in compared to 8% for non-indigenous women. Indigenous women are more likely to receive social and government insurance than non-indigenous women and the rate is 23% and 9% respectively. Again, in the report it is suggested that indigenous women used alcohol, drugs or other intoxicated ingredients more (63%) than non-indigenous women (20%) before the violent action.

The RCMP report is highly criticized for various reasons. Firstly, for the flawed methodology where large number of women's identity has been referred as unknown. Secondly, it is suspected from the report that a number of missing reports have not been

²⁹ Amnesty International, stolen Sisters: Discrimination and violence Against Indigenous Women in Canada, 2004 (Ottawa: Amnesty International), (Page- 2-3)

³⁰ 'Missing and Murdered Aboriginal Women: A National Operational Overview, Royal Canadian Mounted Police, 2013, 2014 HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented by the Royal Canadian Mounted Police, page-8.

included in the police database for various reasons. Admitting it through the report undermines the report's credibility.

After the Pickton case came in to light, there was a report made by Commissioner Wally T. Oppal on the missing women³¹. It was stated in the report that police failed to investigate diligently in this case and this failure is not any individual matter but a systemic one which is deeply related to long history of colonial legacy and bias against indigenous women. Therefore, these findings signify that there is systemic racism in the justice system of Canada.

Although Canada has laws which are anti discriminatory but in reality, the scenario is different. According to the report of 'violence and discrimination against indigenous Women in British Columbia, indigenous women and their families complained about being mistreated by police often. On the other hand, in the report, it was also published that when police encountered about missing women, they didn't even report it because they believed those women ran away by themselves.³² These inactions only happened because of these women's racial background, their economic conditions. Therefore, it is evident that there is systemic racism and colonialism within the justice system.

³¹ Oppal, Wally T. *Forsaken: The Report of the Missing Women Commission of Inquiry*. Vancouver: Missing Women Commission of Inquiry, 2012, page 93

³² Violence and discrimination Against Indigenous Women in British Columbia, 2014, chapter 3, page 51
'Inter American Commission on Human Rights' - IACHR, OEA/Ser.L/V/11, 2014

Intersectional framework

To evaluate the extent and root causes of this genocide, it is crucial to identify a theoretical framework. For the purpose of this paper, I am focusing on intersectionality framework, because, given the complexity of the issue, this will not be analyzed by only sexism or racism. The identities are interconnected and overlapping. Therefore, intersectionality in my opinion is proper framework to find out the root causes of this genocide.

In the perspective of violence against indigenous women, Sherene Razack's 'Gendering Disposability'³³ explains the structural problems effectively with the lens of disposability and intersectionality by discussing with leading case of Cindy Glaude and how racism, colonialism, sexism lead to indigenous women's identity to a disposability level. This Cindy Glaude's case also applies to the more than 1200 missing and murdered women.

on this genocide. As she said in the text 'Sexualized violence is key to disposability, and flesh is the site at which racial and sexual power are both inscribed. I emphasize the excessive violence that is meted out to Indigenous women as evidence of colonial power imprinted on their bodies.'³⁴

BNA Act and Colonialism, Patriarchy

The 'British North America Act (BNA Act), which is also known as Constitutional Act of 1867, is the basis of colonial legal framework. By implementing this Act, the settlers

³³ Sherene H. Razack, 'Gendering Disposability', Canadian Journal of Women and the Law 29, no. 1, (2017).

³⁴ Ibid 285

dismantled the matriarchal system of living, which was indigenous way of living before, and forced to shift from matriarchal to patriarchal system. after the formation of 'Dominion of Canada', the settlers started their force assimilation project which had deep negative impact on the life of Indigenous women. Many indigenous societies were matrilineal, but completely lost their balanced control because of patriarchal system, where men are placed to be in hierarchal position than women.³⁵

This is clear that most of Indigenous family and community structure was matrilineal and women and grandmothers were respected as leaders. The statistics that previously provided may suggest that intimate Indigenous partners are mostly responsible for gender based violence, but this does not depict the whole picture. As from the pre-BNA Act era, it is clear that Indigenous men used to respect men and they used to share their responsibilities. After the insertion of BNA Act, Indian Act and other colonial regulations, the social structure was changed for Indigenous people. even the Statistics Canada accepts that it is not inherent for Indigenous men to be more violent against Indigenous women. It is but 'other social and economic factors – both historical and current' are reasons for disproportionate victimization³⁶.

Again, getting back to the statistics, where it shows that 'indigenous women are three times more likely than non-Indigenous' women to be killed by a stranger'³⁷, because it is assumed by the settlers that Indigenous women are materials to consume and to rape,

³⁵ Marginalization of Aboriginal women, Accessed on December 5, at https://indigenousfoundations.arts.ubc.ca/marginalization_of_aboriginal_women/

³⁶ 'Overrepresentation of Indigenous People in the Canadian Criminal Justice System: Causes and Responses' Accessed on December 5 at <https://www.justice.gc.ca/eng/rp-pr/jr/oip-cjs/p3.html>

³⁷ Sherene H. Razack, 'Gendering Disposability', Canadian Journal of Women and the Law 29, no. 1, (2017). 294.

indiscriminately whether they are prostitutes or not. As in the Cindy Glaude's case, Barton used her body brutally and the signs are imprinted on her body shows the racial and patriarchal expression, because in no way this act could be expression of desire.³⁸ Again, 'In creating legal gray zones where sexualized violence is permitted, the law contributes vitally to the settler colonial project.'³⁹

The same brutality applies to the genocide of this paper's topic, the missing and murdered Indigenous women case, where Indigenous women are seen as worthless materials to consume. The Pickton Case, where Pickton was picking women from eastside of Vancouver, where marginalized Indigenous women used to live and Pickton as a stranger picked most women from there, who were mostly Indigenous women, because of they were the marginalized and easy targets. They became marginalized through colonial aggression which still continues and evident in the ongoing genocide of Canada.

Disposability And Racism, Sexism

the disproportionate rate of violence, murder, missing women and girls are closely related to structural issues of racism, biasness, sexism, apart from colonialism. Applying to Razack's disposability framework, it is clear that the issue is structural and deeply embedded in to racial biasness. As she said,' Within the settler colonial imagination,

³⁸ Ibid. 295

³⁹ Ibid 299

Gladue is likely to be characterized as part of a throwaway population, used up in colonialism and used up in prostitution⁴⁰,

the wasted human are those who are excessive for the society and Indigenous women, specially prostitutes are seen as redundant by white settlers and hence disposable. The theory suggests prostitution is a biproduct of capitalism and colonialism and creates a grey zone within the legal system where there is no protection of law for them and these people are excessive and disposable. This is what happened in case of the Canada's ongoing genocide, where these women are seen excessive and disposable after used. Because of Indigenous people's socio-economic condition and as they are marginalized groups, they are seen as disposable by settlers.

In the Cindy's case for example, where Barton said in his testimony in court that he believed that as Cindy was involved with him in sex trade, so, he had the right to use her body according to his wish, and that's what he did, as a result, she died. The court here, didn't take this crime as first-degree murder, instead took it as a second-degree manslaughter, which shows even justice system contribute to this notion.

In the Pickton case, Robert Pickton also saw these girls who were murdered by him were disposable because he not only murdered them, but also cut their bodies and fed his pigs and this shows his sense of disposability⁴¹.

Therefore, it is clear that the ongoing genocide, 'missing murdered Indigenous women and girls incidences are internally and closely connected with the structural base of

⁴⁰ Ibid 299.

⁴¹ Ibid 296

Canada which express itself through colonialism, racism and sexism. Without addressing these matters, only data can not explain the true broader picture of the problem.

Epistemic Injustice and MMIWG

Epistemic injustice refers when someone harm to someone in his or her capacity as a knower. In the Pickton case, in 1997 Robert Pickton attempted to murder Wendy Lynn Eistetter. Wendy later testified that she was stabbed four times by Robert and the key of the Wendy's handcuff was found in Pickton's pocket and yet, her testimony was denied because of credibility issue and it was referred that Wendy had drug problem, therefore, her testimony is not reliable. Eventually Pickton released and the attempted to murder case was stayed. After getting released, Pickton killed all together about 60 women. This is an example of testimonial epistemic injustice and it shows how it affects in such cases.

Conclusion

In conclusion it can be said that the genocide is ongoing and this human right crisis, is an outcome of colonialism and racism which embedded in the history of Canada. These institutional flaws can be seen in various institutions of Canada, including justice system, RCMP and Court. These institutions even act to sustain these elements by silencing the voices of Indigenous communities. To overcome this situation, a decolonial approach should be taken. A separate legal system can be introduced which can be operate parallelly with Canadian legal system. Besides, community-based solutions and more Indigenous people can be assimilated within the institutions until separate legal system

forms. There should be involvement of community people to handle these matters. Only then true reconciliation will take place and victims will get justice.

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