

SISTER OUTSIDERS

what you won't hear inside the Missing Women Commission of Inquiry

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WHEN THINGS GO VERY WRONG

HOW THE MISSING WOMEN COMMISSION OF INQUIRY FAILED WOMEN

WHAT DID WOMEN'S GROUPS WANT FROM AN INQUIRY?

Trisha Baptie: We had very particular knowledge of what had happened to women on the DTES ... we wanted to be able to have a voice.

Suzanne Jay: We knew that the attacks on the women were deeply racialized and we wanted to counter the voices that we anticipated would be speaking during the inquiry recommending that prostitution be moved indoors. And Asian women are indoors in prostitution already. We know that the argument that women operating out of indoor prostitution venues are safer is completely false and we could see that disadvantaging both Aboriginal and Asian women.

Cherry Smiley: To counter those prostitution voices because we hear a lot of the case for legalization or total decriminalization made on the backs of these women who went missing or were murdered. And even in the discussion of 'missing and murdered' there's no mention of the men. So it's kind of as if these women just went missing and disappeared into thin air... It was really important to centre that it was systemic male violence and especially, in the case of the Aboriginal women, a result of colonialism as well. It was also really important to make the connections between the DTES and these larger systems. Sometimes we get this idea that the DTES is kind of this self-contained bubble when the systems that bring women there, especially Aboriginal women from poorer communities who end up in the city, it's really important to link what's happening there to the larger systems of male violence and patriarchy at work.

Susan Harney: The childcare advocates felt it was important to highlight the great inequities in terms of support programs for women – things like housing and childcare – because there is a concerted effort by a lot of politicians to refuse to fund those programs and de-fund some of the advocacy programs for women that were available that it makes it so hard for women to leave violent situations or to go to school or to go to work.

Lee Lakeman: I wanted to hold Oppal personally accountable because Rape Relief had put a lot of energy in the decade before this into telling Oppal in the commission regarding policing how things should change and we addressed prostitution at that point, we addressed the initial officers who respond to violence against women, we addressed the persecution of activists. So he had a lot to answer for as to why none of these changes had been implemented before ... I did think [the inquiry] would have an impact, that the whole process would be destructive to the concepts of violence against women, to the concepts of women's equality, to the concepts of racism.... And I thought that it was not so much about examining the systems of government as about ideology and the ideas that were in play. And I believe that is what happened ... And I have no idea how we'll ever hold them accountable for it but I do believe it has been profoundly destructive. And my other reason was I thought the whole thing could be used as a trick to support the concepts that were necessary in the prostitution case that was going to the Supreme Court – and I believe that's exactly how it's been used.

Janine Benedet: I thought [Oppal] was conflicted out in a very direct way, because of course he was the Attorney General at the point at which a number of these decisions were made about how many charges to proceed on, whether there should be other people charged along with Pickton. [Oppal] was directly involved in all of that decision making which to me just

seemed like a clear conflict, but it allowed him to limit the scope of the inquiry, because it allowed him to say we're just going to focus on information sharing between the Coquitlam RCMP and the VPD ... we're not going to get into these larger issues because then all of a sudden, we're reviewing his discretion and decision making as Attorney General.

Jacqueline Gullion: It's also clear to the centres across Canada that feminists could not muscle their way in and so women across Canada do get a sense of suspicion about the inquiry And rape crisis centres across Canada were also interested in making sure that at least to our membership the Inquiry remained thinking about the women that went missing were women and not any

HOW HAS THE INQUIRY BEEN USED TO UNDERMINE AND DAMAGE WOMEN?

Janine Benedet: People believe that there was some independent counsel representing the DTES and there was some lawyers representing Aboriginal people or whatever it was they were supposed to be representing and they're producing reports and so we're hearing the voice of 'social justice', of the marginalized of the DTES. But ultimately they're just feeding into the same message which is: the failure here was that if we had respected these women as sex workers and put them in a brothel then the police would have treated them better and Pickton couldn't have scooped them up – which is the simplistic narrative. And really, the groups that are presenting their shadow reports and making these arguments are positioning themselves as being outsiders, but they're not. They're all part of the same machinery that's all leading to exactly the same conclusion and I think that's very very hard to penetrate and to expose. That to me is the worst part of it. Because that veneer of community involvement is there.

Lee Lakeman: I think the inquiry was used to establish the category 'sex worker' to use against the Charter ... I think they have actively divided people who are logical allies. The women who are dealing with sex work and the women who are trying to deal with equality overall, Aboriginal people on and off reserve, people who are living in the urban centre and people living in rural areas, the people on the Highway of Tears and the people of the DTES, they clearly played a divisive role between the Asian women trapped in brothels and the women trapped in the streets – that's an ancient manipulated division that the government has once again manipulated.

Christine Boyle: My research at the moment is on prosecutorial discretion and the importance of equality in the exercise of Crown decisions on whether to prosecute or not. ... I also wanted to pick up on the separation of sex workers from women which I think is really significant and that any crime policy that is directed towards achieving equality needs to counteract that separation. Prostituted women have to be included in equality oriented policies about violence against women. The other category is 'worker' of course.

When you call someone a sex worker you think it's supposed to make them safer somehow but in fact there isn't much of any prosecution of crimes against workers in general and that to me is a major connection – the connection with workers and the connection with women and there isn't some category in the middle. I think there needs to be a good deal of improvement in our attention to the safety of workers generally as well as the safety of women.

Jacqueline Gullion: I think that the population of Canada mostly would want to provide care or reduce the danger to women and the opportunity to us is to promote social programming that is actually useful to women to avoid male violence. Using the Pickton inquiry plus the loud voice of the pro-prostitution lobby, what we're getting instead is a description of prostitution as the alternative to an adequate income. And I don't think it's an accident that we see the promotion of prostitution and the decrease of welfare rates and the increasing financial pressures on women at the same time.

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Excerpts from a roundtable conversation:

FEMINISTS RESPOND TO THE MISSING WOMEN INQUIRY

On December 1, 2012, Vancouver Rape Relief and Women's Shelter hosted a roundtable as part of the annual Montreal Massacre Memorial and the National Day of Remembrance & Action on Violence against Women.

Facilitator: Hilla Kerner, Vancouver Rape Relief & Women's Shelter

Trisha Baptie – Formerly Exploited Voices now Educating (EVE)

Lee Lakeman, Vancouver Rape Relief & Women's Shelter

Sharon McIvor – Canadian Feminist Alliance for International Action (FAFIA)

Suzanne Baustad – Editor, Sister Outsiders

Suzanne Jay – Asian Women Coalition Ending Prostitution

Susan Harney – Coalition of Child Care Advocates of BC (CCCABC)

Cherry Smiley – Nlaka'pamux (Thompson) and Dine' (Navajo),

Co-founder of Indigenous Women against the Sex Industry

Jacqueline Gullion – Canadian Association of Sexual Assault Centres (CASAC)

Professor Emeritus Christine Boyle (UBC Faculty of Law)

Janine Benedet Associate Professor, UBC Faculty of Law;

Director, Centre for Feminist Legal Studies

of the other of the other short-hand descriptions they get called such as sex workers. Rape crisis centres across Canada really conceive of this as violence against women and can really see the trick that is being used to these women to justify legalizing prostitution.

Suzanne Baustad: 20 murder charges against Pickton were stayed because we were told we were going to get this public inquiry instead and so we never learned publicly what happened with those 20 women - and there are many more. So just as a basic point of injustice for Oppal to say as the Attorney General that he wasn't going to go forward with charges against Pickton on these 20 women. We had expectations that this would be addressed in a more comprehensive way than a criminal trial would have given us and that just didn't happen.

Sharon McIvor: I was hoping that we get a tiny little step into a recognition of what brings the women to where they were which is a huge piece of the whole puzzle and ..something about how our system keeps them there and preys on them. And now when I think about it in retrospect, it was a stupid thing to hope for because there's no way for that kind of a system is going to open the door. What this did was it contained it.

shut out ... but not shut up

FEMINISTS RESPOND TO THE MISSING WOMEN INQUIRY



“Calls to Action” - life-sized silhouettes representing 115 callers to the crisis line of Vancouver Rape Relief and Women’s Shelter in a one month period. Montreal Massacre Memorial, Vancouver Public Library, Dec. 1, 2012

Hilla Kerner: One avenue to examine the damage is to see who the Inquiry declared as experts about women’s lives. One was John Lowman and the other was Kate Shannon, they’re both described as authorities on women’s lives and women’s experience not women’s groups or community women’s groups, not the women, were experts on their own lives and what women need. Those two were declared as experts and both of them used this platform to cheer and to promote indoor prostitution and used the murder of DTES women to promote the court case that is now before the Supreme Court.

Lee Lakeman: There were a couple of other concepts that got normalized or legitimized in the everyday talk of the commission. One was the privatization of women’s security. There was a repeat-it-until-you-believe-it conversation about how women - if they had enough time - could judge which man was likely to be the danger. So freedom became the ability to stand outside a car for 20 minutes and make an accurate judgment about which man would be more likely to rape or kill you. We spent 30 years establishing the truth that you can’t tell which man is dangerous. The second part of that was to promote the notion that the men who came inside would be less dangerous and all the women would be welcomed inside which we all knew was nonsense. But even if it were true that on the inside you would be able to select for which men are dangerous - because the men would not be self-destructive enough to commit the danger in the view of other people - this idea obviously undermined the reality that’s been revealed by wife assault in 35 years of work. And it also promoted the idea that women should buy their own security, that we should not be relying on the police and in fact all the criticisms of the police were used to play into that. That really what we need to do is buy our own security guard and if you happen to be in prostitution you should buy your driver, buy your security system, buy your watcher, your guarder, which is a hideous notion and completely undermines 35 years of work of saying that the Canadian state has a responsibility to interfere with the violence that individual men do to individual women as well as the responsibilities to the collectives within that.

Susan Harney: It gave us a chance to look at childcare not just as an issue for women who work or want to go to school but as an equality measure. And when women don’t have some of the program supports, that connection to violence against women. We did that despite the Inquiry and I think we did that as a table of women together.

Hilla Kerner: There were [a] few rare diamonds that were said in Inquiry. ...Angel Wolfe, the daughter of Brenda Wolfe, spoke very courageously about wanting something different for women in prostitution - and the mainstream commercial media make sure not to report on that. Many of the families’ testimony were reported, but the media

made sure to depoliticize them, especially asking for detox, for recovery, for long term plan for employment, and for different way for women, instead of prostitution. When there were a few moments that were worth repeating and celebrating, the commercial media made sure to shut it down.

WHAT WON’T BE IN OPPAL’S REPORT?

Trisha Baptie: I think the most basic thing that will be missing is truth - women’s lived truth. And women’s experiences, and women’s own perspective on what happens to us out there. Instead, we’re going to hear what John Lowman has to say about what happens to us out there, and we’re going to hear what Kate Shannon says happens to the women she sees every night. ... I think the most absent thing will be truth, and without that, the whole rest of it is bullshit, right?

Sharon McIvor: I’m hoping that it will do as little damage as possible because every time you have this kind of a process, it has the potential for doing a lot of damage to the kind of work that we’ve been doing.

Lee Lakeman: The thing I wanted was for somebody to draw the simple straight line between the existing law against men buying women, and what happened in the Pickton mess. It seems to me fairly obvious that the police never arrested Pickton as a john when they knew he was a john, they knew where he was a john, they knew to whom he was a john, and never once was he interfered with. And that for me is the primary responsibility. They could’ve prevented this.

Suzanne Jay: The report will contain no challenge at all to men’s access to women for use as sex objects. ...The more that they describe indoor prostitution as safe, as a viable option, the more invisible the johns become, the more invisible the Asian women in the massage parlours become, the more invisible the massage parlours become, period. ...And there will be nothing in the report that would actually help us to challenge the power of the pimp.

Cherry Smiley: I think the discussion about the creation of and solidification of the term sex worker is really important because it not only de-genders... but also moves it away from any discussion of colonialism or Aboriginal women and how we’re adversely affected by these systems. I know as an Aboriginal woman, my family’s very very important to me and yes, there is that layer but that was kind of created at the exclusion of it being a women’s equality issue. ... That’s not to say that the families don’t have really important things to say, because they do, but in addition, the discussion around these being autonomous women is also very important and I feel like that was kind of moved away from in the Inquiry.

Lee Lakeman: I agree that the report is not likely to be as harmful as the process has been.... I think we’re now going to see that the women in the street are more actively blamed and more actively punished for not going indoors. So I think there will be increased criminalization of the women on the street and the girls on the street right away, and if we lose the court case at the Federal level for sure there will be. And the argument will be that they’re bad prostitutes. The good prostitutes would go indoors and submit willingly. ... I think there’s a health response that’s also intensified by the process. And historically, the resistance movement against violence against women has always been curtailed by either the health or the justice ministries. ... So policing by the health industry and the health ministry - we are now told these were not real sex workers. These were drug addicts. And that’s Kate Shannon’s role to describe them as drug addicts whose problem is how they handled drugs and how they are handled by the health ministry. And so I think we can look for intensified, intrusive behaviour on the part of the health industry and the health ministry controlling Aboriginal women in the urban ghetto and women on the street. There’ll be more permission for them to pick up kids, more permission to control the behaviour of women on the street by drugging them or by incarcerating them in some health sense. [Shannon’s] whole argument was: we need to corral where these women are so they’re near the health institutions.

Janine Benedet: That’s the direction where we are to date with the Bedford court case. At the first level the industry succeeded in getting all the laws removed. When we got to the Court of Appeal, what did they do? They reinstated the street prostitution law. ...And even if all those laws were to be struck

down again at the Supreme Court level, it is naive to think that there are not a hundred other ways to police women on the street rather than arresting them directly for prostitution. Most of them have outstanding warrants for other things, they’re involved in other activity that is criminalized, and so there’s a huge amount of discretion that goes into that decision and that will not change.

The fact is that the criminal justice system will still have avenues to police those women even if those laws are struck down. And they’ll then have the moral justification to do it because they’re not going to the massage parlours or - because I think the industry figured out that wasn’t realistic for many of those women - not going to their subsidized room in public housing.

Hilla Kerner: What will not be in the report is the exposure of state responsibility for women’s poverty and therefore for women’s vulnerability to prostitution and all forms of male violence against women. [Oppal] heard in length about how poor the women are, and ... the only time that welfare was mentioned is as a critique of why nobody checked if the woman came to take the cheque. Not one word against the mission of welfare as managing the poor women’s life, the inadequacy of the money that the government is giving to women, and the tyranny that the way this machinery runs women’s lives. We can assume this won’t be in the report.

Suzanne Baustad: There’s not going to be an assessment of the impact of the last 30 years of government neoliberal policy and of what it’s done to women and women all over the province who are been displaced into the DTES. But we’re also not going to get an assessment of community organizations in the DTES and their failure of the women. If there’s a shock doctrine in the DTES, it’s that with the catastrophic state abandonment of these women we get the proliferation of charities and nonprofits who are funded to provide services to women in a very narrow range of needs. These organizations are very limited in their capacity and their ability to fight for systemic justice for these women. So I think the shock doctrine of this inquiry will be more funding for NGOs in the DTES and a broader NGOization of the DTES. And I think that leading the way is going to be a proliferation of the NGOs and non profits who will service sex workers in a very narrow range of needs and that will be this inquiry’s response to the state’s abandonment of the women.

Cherry Smiley: The state is saying it’s not our responsibility to protect women, it’s up to women to protect themselves, it’s not our responsibility to provide any meaningful income to women. Prostitution then becomes your solution to equality. And then women are abandoned to capitalism. Alan Young in the Bedford case has said we’re after total decriminalization, we’re not after legalization, as if somehow capitalism will provide some kind of safe haven for women.

Lee Lakeman: I like it when the police failures are exposed or the ills of policing are exposed, but I don’t like it when the overall message is ‘Forget it, you’ve got nothing’ and there’s no way for you to use the police, there’s no way for you to use law, there’s no way for you to interfere with these processes....

Cherry Smiley: So I think a more sophisticated criticism of police and discussion around state responsibility and what exactly does that mean is a positive thing because I know for myself, as an Aboriginal woman, this idea of state responsibility - well how do you deal with that when the state is inherently colonial and has caused so much damage? I realize it’s a contradiction to be in, but I think it’s a good thing to work through and I think that a call for state responsibility is really important...

Suzanne Baustad: During the whole time Pickton was active and all this policing wasn’t going on, it’s not like the police budgets were shrinking. Those police budgets were going up, so what were they doing? Who were they serving and protecting? So, I think it’s important to look at the function of policing in Vancouver. In the DTES, in a neighbourhood undergoing gentrification, what were they doing? They were protecting private property rights - and moving women along into isolated areas.

SISTER OUTSIDERS IS PRODUCED ON BEHALF OF THE VRRWS COLLECTIVE

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