



Native Women's Association of Canada

PRESS RELEASE – FOR IMMEDIATE RELEASE

NWAC Cites Withdrawal of Independent Counsel from Missing Women Commission of Inquiry as Further Evidence of Discrimination Against Aboriginal Women

March 7th, 2012 (Ottawa, ON) -The Native Women's Association of Canada (NWAC) learned yesterday of the resignation of Ms. Robyn dean Gervais from the position of Independent Counsel for the Missing Women Commission of Inquiry to represent "the perspectives of Aboriginal women". Her withdrawal confirms our concerns and observations about the failures of the Missing Women Commission of Inquiry process. Amongst her reasons for withdrawal, Ms. Gervais cited the delay in calling Aboriginal witnesses, the failure to provide adequate hearing time for Aboriginal panels, the lack of ongoing support from the Aboriginal community, and the disproportionate focus on police evidence at the Inquiry.

NWAC is Canada's national voice for Aboriginal women and was uniquely positioned to speak to concerns about missing and murdered Aboriginal women. NWAC was granted full standing by Commissioner Oppal, but the Government of British Columbia refused to provide funding for legal counsel and NWAC was forced with withdraw from the Inquiry on July 27, 2011 because it could not participate without financial support.

After the Government refused funding for NWAC and the other groups granted standing, and most of the groups were forced to withdraw, Commissioner Oppal attempted to salvage the Inquiry by appointing two "independent counsel," Ms. Robyn Gervais and Mr. Jason Gratl to represent "the perspectives of Aboriginal women" and "Vancouver's Downtown East Side community." In her "independent counsel" position, Ms. Gervais was expected to represent "Aboriginal women" but had no Aboriginal client, and could not seek or take instructions from any individual Aboriginal woman, or any Aboriginal women's organization. As NWAC noted in our letter to Commissioner Oppal of September 6, 2011, the appointment of "independent counsel" to represent Aboriginal women, without Aboriginal women's knowledge or consent, was itself discriminatory. The Commission placed Ms. Gervais in an untenable position, and yesterday's withdrawal is the result.

Twenty-five publicly funded lawyers represent police and government at the Inquiry, while there are only two publicly funded family lawyers. There were and are no publicly funded lawyers retained and instructed by any Aboriginal parties.

Recently, NWAC received an invitation from the Commission to participate in policy sessions. However, since NWAC was excluded from the fact-finding hearings, NWAC has decided not to participate in this secondary policy forum. Neither the Inquiry nor the Government of British Columbia is likely to attach the same weight to submissions that are made in the policy sessions. Aboriginal women, and their organizations, should not be relegated to a secondary forum.

Ms. Gervais' decision to withdraw, and her reasons for doing so, have confirmed NWAC's fear that this Inquiry will not provide answers to the ongoing discrimination against Aboriginal women and girls that threatens their safety and their lives. NWAC still hopes that individual families will find some answers through this Inquiry. NWAC will continue to seek real and long-lasting solutions to the grave and systematic violations of the human rights of Aboriginal women and girls.

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