

**MISSING  
WOMEN  
COMMISSION OF  
INQUIRY**

**OPENING REMARKS**

**BY**

**COMMISSIONER WALLY OPPAL, Q.C.**

**VANCOUVER, B.C.**

**OCTOBER 11, 2011**

Good morning everyone and welcome to this hearing. I am the sole Commissioner appointed under the B.C. Public Inquiry Act. With me today are Commission Counsel Art Vertlieb, Q.C. and Associate Commission Counsel, Karey Brooks and Salima Samnani.

In response to public concern over the terrible tragedy of the many women who went missing and were murdered in the Downtown Eastside of Vancouver, the Provincial government has appointed me to inquire into the police investigation and a specific prosecutorial decision to stay proceedings against Robert Pickton in 1998 and to make policy recommendations to help shape a system that contains sufficient safeguards to prevent such tragedies from ever occurring again.

This Commission could not be established until criminal legal proceedings against Mr. Pickton, including his last appeal to the Supreme Court of Canada came to an end in August of 2010. Today, the public hearings portion of the Commission's work begins. Today, our quest for truth for families of the victims who continue to suffer, and for the broader community that continues to have questions about these events, begins.

#### Tribute

From the very outset, I want to stress that the missing and murdered women are at the heart of this Inquiry. So I think it is proper to begin the evidentiary hearings by recognizing these women and observing a minute of silence in their memory.

*- Minute of Silence -*

The missing and murdered women have been lovingly described by their family and friends. I am going to share some of those descriptions with you. Because of the huge number of missing and murdered women, I can't describe them all. But I want to offer a composite portrait of the women, as they are remembered by their loved ones.

She was a bubbly and kind hearted woman.

She loved animals, had a generous spirit and sense of fairness; she was loving and easy going.

She had the most beautiful smile.

She was a gentle soul with a nice presence.

She was a devoted and loving mother who worked with developmentally delayed adults.

She was happy go lucky and cared deeply for her family.

She was beautiful, outgoing, sensitive and artistic.

She was a generous, loving, caring individual with a kind heart and a robust laugh that made others want to laugh with her.

She was a dreamer who believed in unicorns.

She was a wonderful musician.

She was a nice girl with a crazy sense of humour.

She was beautiful, a good daughter and a good sister. She loved life.

Each of the women was a valued member of her community. Each had dreams, hopes, loves and fears. Each woman was loved. And now each woman is missed.

The women were daughters, sisters, granddaughters, aunties, nieces and friends. Many were mothers.

Their deaths and disappearances have caused immeasurable grief. That grief continues to this day. Their families and friends continue to mourn and search for peace and closure.

Individually, the loss of each woman is heartbreaking. Taken together, the murder and disappearance of so many women is horrific; it is incomprehensible because of the immensity of the tragedy and it is appalling because of the vulnerability of the victims.

The missing and murdered women were marginalized. They were women. Many of them were Aboriginal. Many were involved in the survival sex trade, drug addicted and impoverished. They were the most vulnerable to violence including sexual violence, and to murder.

We must ask ourselves, is this acceptable? Is it acceptable that we allowed our most vulnerable to disappear, to be murdered? The question is upsetting. It challenges our fundamental values: we say that each one of us is equal; each one of us is worthy of the same protection from violence. But is it true?

We must examine whether that is actually the case. Did these women receive the same protection of the police and the law that each of one of us would expect? And if not, how can we ensure that that this does not continue to happen? These are questions of the utmost public importance and ones that we seek answers to through the evidence that will be tendered in these hearings.

#### Events leading up to the Commission's creation

The tragedy of missing and murdered women is not new; nor is it exclusive to British Columbia. This is a crisis the whole country and many parts of the world face.

In Vancouver, the crisis peaked from the late 1990s until 2002. An increased number of women disappeared from the downtown eastside. Individuals and community groups, particularly the families of victims, First Nations organizations, organizations serving the Downtown Eastside community and women's groups, sought to bring public attention to the unfolding tragedy.

The extent of the tragedy was perhaps not fully realized until Robert William Pickton was arrested and eventually charged with the first degree murder of 27 women. Convicted of 6 counts of second degree murder, there was evidence at trial that he may have murdered as many as 49 women.

During the missing women investigations and the Pickton trial, the police came under scrutiny. The missing women investigations and the Pickton investigation were criticized. The BC government responded to the public outcry by establishing the Missing Women Commission of Inquiry.

### Distinction between a hearing and study commission

The Terms of Reference give the Commission two distinct but related mandates: “to inquire into and make findings of fact” and “to recommend changes”. These distinct mandates, one factual and one policy, could only be achieved through both a hearing and study commission.

The Public Inquiry Act distinguishes between hearing and study commissions. The powers of a hearing commission, as set out in subsections 21(1) and (2) of the Public Inquiry Act, include holding hearings, receiving submissions and evidence under oath or affirmation and making findings of misconduct. The purpose of the evidentiary hearings is to provide a higher level of procedural fairness to participants; therefore, while this is not a court of law, the process looks very much like a trial.

On the basis of oral and documentary evidence tendered during the evidentiary hearings, I will make findings of fact about the missing women investigations between 1997 and 2002 and the stay of proceedings against Robert Pickton in 1998. I may also make a finding of misconduct against a person or make a report that alleges misconduct by a person. My findings of fact or findings of misconduct cannot be taken as findings of criminal or civil liability.

Information from the hearings will also be used to assist me to formulate public policy recommendations under the broader advisory aspects of my mandate.

The study commission process is quite different than the evidentiary hearings. The study commission is more informal and flexible. Subsections 20(1) and (2) of the Public Inquiry Act set out the powers of a study commission, which include the power to conduct research, including interviews and surveys, and consult with participants and the public generally.

The study commission process will not be used for fact finding; instead, information gathered in the study process will be used to help us understand ongoing challenges in police investigations of vulnerable women, which will be critical to my recommendations respecting the initiation and conduct of investigations in B.C. of missing women and suspected multiple homicides and respecting homicide investigations in B.C. by more than one investigating organization. This policy advisory aspect of my mandate is critically important given the ongoing phenomenon of young women who are going missing along Highway 16 in Northern British Columbia, along what we refer and the victims' families have termed the “Highway of Tears”.

The study commission process will include public consultations, like the Northern Community Forums we held in 7 communities in Northern BC in September. Consultations will also be held in the Downtown Eastside of Vancouver. I have invited written submissions from interested members of the public. Research studies have been initiated and later on in the process I anticipate holding policy roundtables on issues within my mandate.

I learned a great deal from the Northern Community Forums and am grateful to the more than 290 people who participated and the 80 individuals who made submissions to me during our tour of the North. I was overwhelmed by the response of the community in the North, by the high level of participation, by the open sharing of the terrible pain and loss experienced by

family members and the broader communities, by the forthrightness of the expressions of concern and by the determination voiced in the call for effective reform.

Of course, the submissions made at the Northern Community Forums will not form part of my findings of fact, although they will be invaluable in assisting me to formulate policy recommendations that take into account the situation in the province as a whole. Evidentiary hearings cannot be held into the cases of missing and murdered women along the Highway of Tears because those police investigations are ongoing.

I want to emphasize the importance of fairness in the evidentiary hearings. We will hear much evidence from the families and community witnesses as well as the police. It is important to keep in mind that while many allegations have been made regarding the police investigations, I am here to hear all the parties and all the evidence. It is therefore important not to reach any premature conclusions and to keep an open mind; for a fundamental purpose of the Inquiry is to make findings of fact and recommendations that flow from those findings.

### **Importance of the Commission's Work**

Before we begin the evidentiary hearings, I want to emphasize the importance of this work.

This Commission is about the safety and security of women, particularly vulnerable women.

Few rights are more fundamental than the basic right to be safe from violence and murder. And yet, in British Columbia, across the country, and around the world, women continue to go missing and be murdered in high numbers. This is a global problem, one that disproportionately affects marginalized women. How we examine it and how we address it will speak volumes about the value we place on the equality and human rights of the most vulnerable and marginalized members of our community; as is often said, the greatness of a society can be measured by how it treats its weakest members.

As the first commission of inquiry in Canada to examine the tragedy of missing and murdered women, we have a tremendous opportunity. We can lead the way, show the rest of the country and the world, that women's safety and equal access to the protection of the police and the law is paramount to a just society.

The opportunity presents itself to not only demonstrate our commitment to the equality and safety of women, but to shed light on the particular and disproportionate level of violence faced by Aboriginal women in Canada. In conducting the Inquiry, this Commission can help to voice our commitment to protecting Aboriginal women from harm and ensuring their equal protection. This Commission can further demonstrate our commitment to protect all vulnerable and marginalized women, and our belief that we are all equal, all valued, and all deserving of protection.

This commitment will be furthered by our careful examination of the missing women investigations. We can discover if there were impediments to the missing women investigations and the reasons for the stay of proceedings against Pickton in 1998. Armed with this knowledge, we can work together to find ways to improve future police investigations of missing and murdered women, to do what we can to ensure that this tragedy does not continue to occur.

It is also my hope that, in discharging its mandate, the Commission will educate the public. This process can serve as a valuable tool in providing the public with information about the facts of

the missing women investigations and the stay of proceedings, and also about the violence faced by vulnerable women and the tragedies they have endured. As a result, the public's perception of these vulnerable women, and how we value them as a society, may evolve.

A commission of inquiry can also serve an important reconciliation function. The missing and murdered women's family, friends and communities, including First Nations' communities and the community in the Downtown Eastside, have suffered untold grief. Many are resentful and angry: they believe the police and larger community did not care for these women and their tragic deaths. I hope that the Commission's work promotes closure and healing, so that all citizens of British Columbia can move toward a safer future, together.

I want to emphasize that the issue of missing and murdered women is pervasive across our nation; it is not unique to British Columbia. At the same time, this is the first inquiry of its kind that will seek answers to help the police address this ubiquitous tragedy.

This incredibly important work can only be done with participation of those individuals and organizations that are knowledgeable about the missing women investigations. This Inquiry represents an important opportunity to make changes in how investigations are conducted, but no changes can be made without effective participation. Therefore, I am most grateful for your participation. I also encourage interested individuals or organizations to participate fully in our study commission activities.

In closing, I would like to complete the circle back to my starting point, the missing women themselves. In her diary, Sarah de Vries asked:

*"Will they remember me when I'm gone or would their lives just carry on?"*

I hope we can show that we will remember and that we cannot just carry on.

Thank you.

I now invite Mr. Vertlieb, Commission Counsel to indicate how he intends to proceed.