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INDIGENOUS WOMEN ~ FORCED STERILIZATION SASKATCHEWAN, CANADA

A recent independent report¹ found that Indigenous women are subjected to forced sterilization in Saskatchewan and nationwide. **Over 50 women** have contacted our law firm to report experiences of forced sterilization. Most of these women were sterilized after the year 2000, and they likely represent a much larger group of survivors. Forced sterilization is performed without the proper and informed consent of the individual, and has been documented in Canada since the 1930s. It may take the form of seeking “consent” from a woman through coercive means, including a misrepresentation the permanency of the procedure and/or encouraging tubal ligation, to the exclusion of other birth control methods, when the woman is in a stressful state, including during and immediately before or following birth. The cases of the courageous women who have come forward make clear that discrimination and biases have been allowed to undermine professional ethics and the standard of care owed to every woman.

We call on the Canadian and Saskatchewan authorities to:

- **Cease** the practice of identifying status Indians with a “R” on health cards issued in Saskatchewan and issue new health cards to those bearing that designation;
- **Require** training for health professionals on cultural competency and on proper and informed consent;
- **Screen** health professionals for racial biases as a disqualification to licensing;
- **Instruct** Health Canada to produce an informational brochure for health care providers and patients on proper and informed consent in the context of women’s health services; and,
- **Instruct** Health Canada to issue guidance regarding sterilization procedures, including that such procedures are never urgent in nature, and most often not medically necessary; that consent for such procedures must never be sought while a woman is in labor, delivery, or postpartum; that the risks, side effects and permanency of tubal ligation should be clearly explained; and, that women be given the opportunity in an appropriate environment to consider the information imparted to them. Further, women should be advised of the full spectrum of birth control options available to them, without undue encouragement of permanent sterilization over temporary methods of birth control.

We request that the Inter-American Commission on Human Rights:

- **Examine** the issue of, and engage in ongoing monitoring of, the forced sterilization of Indigenous women and girls in the context of violence against Indigenous women and girls and systemic discrimination and institutional racism against Indigenous collectives;
- **Engage** with the Canadian government on its implementation of measures requested herein to cease the practice of the forced sterilization of Indigenous women and girls and to address the systemic discrimination and institutional racism Indigenous peoples face in Canada when receiving health care services, as well as in the judicial system when seeking redress;
- **Issue** timely press releases on significant developments as they arise on the forced sterilization of Indigenous women and girls; and,
- **Include** forced sterilization in the Commission’s study of and language on the issue of violence against Indigenous women and girls in Canada, and in the rest of the Americas, in addition to the sexual and reproductive rights of women and girls in the Americas, generally.

¹ See Dr. Judith Bartlett and Dr. Yvonne Boyer, *External Review: Tubal Ligation in the Saskatoon Health Region: The Lived Experience of Aboriginal Women* (2017), https://www.saskatoonhealthregion.ca/DocumentsInternal/Tubal_Ligation_intheSaskatoonHealthRegion_the_Lived_Experience_of_Aboriginal_Women_BoyerandBartlett_July_22_2017.pdf.

Systemic Discrimination

The widespread practice of **forced sterilization should be addressed in the context of systemic discrimination and institutional racism against Indigenous peoples, particularly Indigenous women and girls.** The root causes of violence against Indigenous women generally – a documented phenomenon and practice that includes murder and disappearance² – and the root causes of forced sterilization are connected and persist across Canada: discrimination and harassment based on dehumanizing stereotypes of Indigenous women. Reports of forced sterilization of Indigenous women in Saskatchewan, span decades and generations.

Race Identifiers

In Saskatchewan only, status Indians – those who are registered with the federal government under the *Indian Act* – are required to disclose their status in their applications for health care coverage. Saskatchewan health cards flag status Indians by **marking health cards with an “R”**. This is a result of systemic and institutional racism that transcends all levels of government and society. The “R” remains on health cards, an institutional practice that contributes to the differential treatment of vulnerable Indigenous women and girls.

A Cree woman described attending a hospital in Saskatoon to naturally deliver her sixth child. Unable to walk, she describes being pushed in her wheelchair to an operating room over her and her husband’s explicit protests. The doctors, despite her obvious lack of consent, performed a tubal ligation procedure. When the procedure concluded, the doctor remarked, “There. Cut, tied, and burned. Nothing is getting through that”.

² See generally IACHR, *Missing and Murdered Indigenous Women in British Columbia, Canada* (2014), available at <https://www.oas.org/en/iachr/reports/pdfs/indigenous-women-bc-canada-en.pdf>.