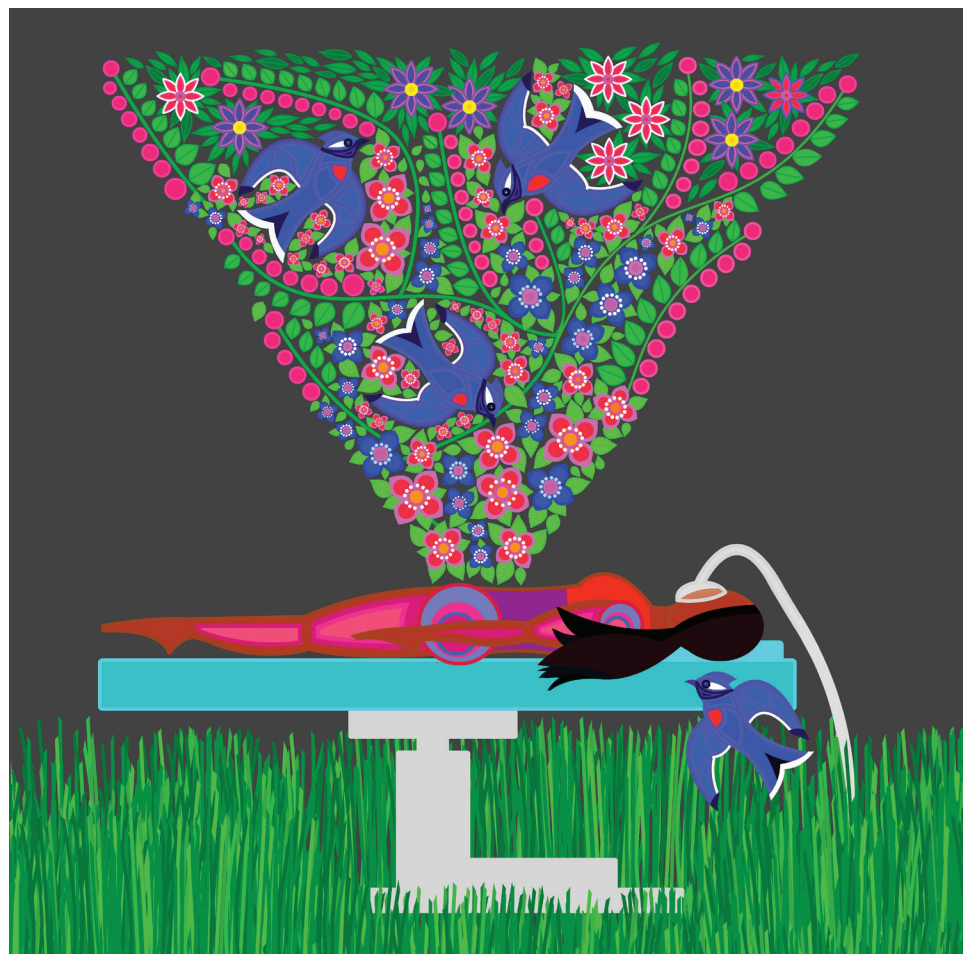


Our Fight Against Coerced and Forced Sterilization

The first step in eradicating this unspeakable crime is to listen and hear the voices of Indigenous women who have been sterilized.

The Warning
by Lisa Boivin

“This is an image of a woman’s surgical sterilization. Blue Jays are protectors. They swarm around her anesthetized body singing a song of warning. They are telling her she will soon be separated from her biological fertility. However, even this violent act will not sever her from the beauty and resilience of living in her body, which is represented by the flowers and berries growing from her powerful womb.”





"I believe it's our responsibility to speak out for those who have no voice."

"Is there a law that says we must be sterilized after three babies? Because that is what my doctor told me."

"I have been trying to get pregnant for four years and I remember signing a paper."

A forced or coerced sterilization is one that is performed without a woman's full, prior and informed consent. They are not a thing of the past. This violation of human rights continues to this day in medical facilities across Canada.

As a lawyer and a former nurse, Senator Yvonne Boyer has devoted her professional life to the intersection between health and the law, with an emphasis on the health of Indigenous peoples. A cornerstone of her work as a lawyer and healthcare advocate has been the matter of forced and coerced sterilization, particularly for Indigenous women.

The issue is close to home. Senator Boyer was born into a Métis family in Southern Saskatchewan; growing up, her Aunt Lucy would tell stories about the ten years she spent in a sanatorium after contracting tuberculosis. These were harrowing tales about life in a sanatorium and disparities in treatment based on race, and the abuse that some patients suffered at the hands of their doctors. Aunt Lucy's records were destroyed, so it's unknown whether she was sterilized, but she was never able to bear children.

Many of Senator Boyer's relatives were healers and healthcare providers, and when she finished high school she became a nurse. Working in small, 50-bed facilities, Senator Boyer was stunned to see the same patterns of institutionalized abuse that her aunt had described back in the 1920s and '30s.

In her first speech in the Senate chamber, in September 2018, Senator Boyer described the rising anger she felt at what she was seeing: "The institutionalized racism and the candid comments made to me because the racists thought I was like them, as they spoke of my sisters, my aunties and my brothers, and how those Indian women should be sterilized to prevent them from breeding—those words haunt me to this day."

Legislative History and Legal Action

Enforced sterilization was first passed into law in Canada in 1928 with Alberta's *Sexual Sterilization Act*. British Columbia followed a few years later. Indigenous girls and women and others were sterilized at high levels under this law. In 1972, the newly elected government of Alberta, headed by Premier Peter Lougheed, passed a repeal of the act citing its violation of legal and human rights. "It is our view that this is a reprehensible and intolerable philosophy and program for this province and this government," said David King, the MLA who introduced the bill for repeal. British Columbia would not repeal the law until 1979. Sterilization without consent was performed unbidden in other provinces.

Four decades later, coerced sterilization continues as a practice in Canada and is performed in medical facilities to this day.

Senator Boyer decided to further her own advocacy on this issue by pivoting from her nursing background in order to go to law school. She received her Bachelor of Laws from the University of Saskatchewan, and her Master of Laws and Doctor of Laws from the University of Ottawa. In 2013, she completed a Post-Doctoral Fellowship with the Indigenous Peoples' Health Research Centre at the University of Regina. She is a former Canada Research Chair in Aboriginal Health and Wellness at Brandon University. For more than 20 years, she has practiced law and published extensively on the topics of Indigenous health and how Aboriginal rights and treaty law intersect on the health of First Nations, Métis and Inuit people.

In 2015, she received a call from a reporter at the *Saskatoon StarPhoenix* asking for a comment on a story. Two Indigenous women had contacted the reporter to claim that they had been sterilized against their will immediately after a caesarian section birth at a Saskatoon Health Region (SHR) hospital. After the story was published, SHR asked Senator Boyer to conduct an external review of its postpartum tubal ligation procedures. In July 2017, she and Dr. Judith Bartlett released their report, which details the intimidation, harassment, psychological pressure and coercion faced by several Indigenous women who gave birth and were subsequently sterilized at SHR facilities.

Three months later, two of the women launched a class-action lawsuit against the Saskatoon Health Region. More than 100 women have since joined the suit. Several class-action lawsuits continue to move forward to this day. The Indigenous law firm Semaganis, Worme and Lombard has filed suits on behalf of women in Saskatchewan, Manitoba and Nova Scotia. Koskie Minsky LLP has filed a class action against the Government of Alberta for its role in coerced sterilization.



The Most Sacred Ceremony by Lisa Boivin

"The clipboard represents the process of informed consent. Informed consent is the most sacred ceremony between clinician and patient. This is a ceremony where both parties come together equally and participate in clinical plan that benefits the patient. As such, I have added a Blue Jay because they are careful and clear in their communication. Committed to truthfulness and justice, they sing the sweetest songs, encouraging us to move forward in a good way. Clinicians must develop equal relationships with their patients that are free from coercion, with a solid process of informed consent."



Elder Sally Webster, Elder Reta Gordon, Senator Boyer and Elder Annie Smith St. Georges at the sterilization conference in Ottawa in January 2020

Several individuals have been at the forefront of the legal fight, including Semaganis, Worme and Lombard attorney Alisa Lombard, a tireless advocate appearing as a witness before the UN, House of Commons and the Senate. Dozens of survivors have reached out to Lombard and her colleagues. “The fabric of the healthcare system must be entrenched in values, policies and legislation that empower human dignity and bodily-autonomy,” Lombard said in an interview with Amnesty International.

The Senator’s Office



Use the Tools Carefully by Lisa Boivin

“The speculum is covered in flowers. The Blue Jay cautions us to use the tools of gynecology carefully. Much harm has been done in the past. We must remember this and proceed with caution in the future.”

Senator Boyer is a member of the Senate Standing Committee on Human Rights that has been investigating enforced sterilization to determine the depth and scope of the problem and to provide recommendations for future work. “This situation smacks of racism in healthcare, guardian and ward theory, and the medical profession thinking they know what is best for Indigenous women,” Senator Boyer said in her Senate chamber speech. “I believe it is our responsibility to speak for those who have no voice.” In her first few years as a senator, Senator Boyer’s office has acted as a clearinghouse on this issue. “Regularly, we are contacted by women who have been sterilized,” she says. “Researchers and media outlets who are interested in covering the subject frequently contact my office.” The Senator has brought the issue to light in conversations with RCMP Commissioner Brenda Lucki, Canadian Medical Association President Dr. Gigi Osler, Craig Thompson of the Ontario Patient Ombudsman, as well as the First Nations and Inuit Health Branch and Indigenous Services. Her goal is both to inform them of the continued violation of human rights and to consider strategies on how to stop it. “I have also spoken to representatives of Indigenous organizations to inform them and listen to their advice on reaching their women.”

Recent Progress



Survivor Morningstar Mercredi, Senator Boyer and Alisa Lombard at the conference in Ottawa

In January 2020, Senator Boyer was honoured to attend Culturally Informed Choice and Consent in Indigenous Women’s Health Services, a conference in Ottawa organized by the National Collaborating Centre for Indigenous Health. She was invited to participate as a witness and presenter on the topic of forced sterilization, joining representatives of Indigenous communities and healthcare organizations. Senator Boyer and Dr. Judith Bartlett delivered a keynote address titled [“Uncovering the Forced and/or Coerced Sterilization of Indigenous Women.”](#)

“This conference marked a strong step in the right direction,” says the Senator. “Everyone in attendance committed to going back to the organization they represent and working to have their organization to adopt a declaration to end the



Senator Kim Pate, Senator Boyer and Senator Wanda Thomas Bernard at the sterilization conference

forced and coerced sterilization in Indigenous women.” Awareness of the issue of coerced and forced sterilization of Indigenous women is continuing to gain traction and outrage among stakeholders, parliamentarians and the general public. The UN Committee on Torture released a report in December, 2018 calling on the Canadian government to investigate all allegations. At the Senate, in the spring of 2019, the Standing Committee on Human Rights heard from numerous witnesses in a short study.

“We not only discovered the magnitude of the issue of forced sterilization of Indigenous women, but how the issue also affected other vulnerable communities, including peoples with disabilities, intersex and racialized persons,” says Senator Boyer.

The committee’s final report will be tabled in the 43rd Parliament.

Senator Boyer on How You Can Help



“Please feel free to reach out to my office or visit my website. We are trying to keep the public up to date on what is happening on this issue and continue to compile resources on the website under ‘Media.’ Educating people is the best way to change minds and create movement on this important issue. As always, we welcome any ideas—new ideas, or old ideas or just having coffee to discuss the issues. Our door is always open and the coffee pot is on.”

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What Will Always Be by Lisa Boivin

“Indigenous women are extremely powerful. The ovaries are replaced with strawberries. Strawberry is a woman’s medicine. She is the only berries brave enough to wear her seeds on the outside.”

About the artist: *The beautiful artwork you see on these pages is by Lisa Boivin, a member of the Deninu Kue First Nation. She is an interdisciplinary artist and a doctoral student at the Rehabilitation Sciences Institute at University of Toronto, Faculty of Medicine.*