



VUNTUT GWITCHIN GOVERNMENT
Government of Vuntut Gwitchin First Nation

CHIEF AND COUNCIL

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October 11, 2022

Hon. David Lametti
Minister of Justice and Attorney General of Canada
Algonquin Nation Territory
Ottawa, Ontario, Canada

Hon. Tracy-Anne McPhee
Minister of Justice and Attorney General of Yukon
Kwanlin Dun First Nation and Ta'an Kwach'an Council Traditional Territories
Whitehorse, Yukon, Canada

Hon. Michael Cozens
Chief Judge of Territorial Court of Yukon and Yukon Judicial Council Member
Kwanlin Dun First Nation and Ta'an Kwach'an Council Traditional Territories
Whitehorse, Yukon, Canada

Dear Ministers and Chief Judge:

RE: Accountability for failure to protect Indigenous Women and Girls from violence

I am writing to you as Chief of the Vuntut Gwitchin First Nation and Chief Executive Officer of the Vuntut Gwitchin Government on behalf of our entire Council, all Vuntut Gwitchin First Nation citizens, and our community of Old Crow, Yukon regarding a serious matter in which the administration of justice in Yukon was brought into disrepute by placing women and girls within our Traditional Territory at serious risk of violence and inflicting undue harm and trauma on our community members.

At approximately 5:00 p.m. on Friday, October 7, 2022, immediately prior to a long weekend, while Vuntut Gwitchin First Nation citizens and our honoured guests were gathered together for our annual meeting of the General Assembly, we were notified by one of two local Royal Canadian Mounted Police officers that a Justice of the Peace of the Territorial Court of Yukon had ordered the release of Christopher Russell Schafer at 7:00 a.m. on the following Saturday, October 8, 2022, from the Whitehorse Correctional Centre with the condition to board a flight directly to our community at 10:15 a.m.

Christopher Russell Schafer has been previously convicted of numerous serious violent and sexual crimes which he committed against women and girls in Old Crow and the Yukon Territory, including several counts of assault and forcible confinement. The charges in which he currently stands accused of,

and upon which he was ordered released to Old Crow by the Justice of the Peace of the Territorial Court of Yukon, includes further counts of assault and forcible confinement as recently as October 2, 2022.

The release order of the Territorial Court of Yukon was made with no prior notice or consultation with the Vuntut Gwitchin First Nation nor any apparent consideration of the safety of our community, and in particular, the women and girls within our Traditional Territory. As a result of the preventable, imminent, apprehended and actual risk of violence within Old Crow that was created by the release order, our Council was directed by our General Assembly to take immediate emergency actions under Vuntut Gwitchin First Nation law to prohibit Christopher from entering the community. These emergency measures remain in effect. Enclosed is a copy of the Vuntut Gwitchin First Nation Community Emergency Declaration and Community Emergency Order dated October 7, 2022.

Coming just three years since the conclusion of the National Inquiry into Missing and Murdered and Indigenous Women and Girls and only three days after we walked together through our community on the National Day of Action for Missing and Murdered Indigenous Women and Girls, the decision of the Justice of the Peace of the Territorial Court of Yukon to make the release order demonstrates a total lack of disregard for the safety and well-being of our community and the women and girls within our Traditional Territory and our responsibilities as a self-governing First Nation . As found by the National Inquiry and set out in the Final Report:

“The significant, persistent, and deliberate pattern of systemic racial and gendered human rights and Indigenous rights violations and abuses – perpetuated historically and maintained today by the Canadian state, designed to displace Indigenous Peoples from their land, social structures, and governance and to eradicate their existence as Nations, communities, families, and individuals – is the cause of the disappearances, murders, and violence experienced by Indigenous women, girls, and 2SLGBTQQIA people, and is genocide. This colonialism, discrimination, and genocide explains the high rates of violence against Indigenous women, girls, and 2SLGBTQQIA people.

An absolute paradigm shift is required to dismantle colonialism within Canadian society, and from all levels of government and public institutions. Ideologies and instruments of colonialism, racism, and misogyny, past and present, must be rejected.”¹

We seek accountability from those responsible for the ongoing colonial violence against Indigenous women and girls within Canadian society including as it continues to be perpetuated by the Canadian legal system. We do not and will never tolerate such institutionalized indifference which denies the Vuntut Gwitchin First Nation, our citizens and community of Old Crow – particularly Indigenous women and girls – of our inherent rights and freedoms to survive and live with dignity, well-being, peace and security on our land.

In order to meaningfully redress the harm and trauma that has been inflicted by the release order, nothing short of the following actions are required from those responsible:

¹ Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, “Calls For Justice” (2019) Vol 1b at p 174, online <https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1b.pdf>.

- (1) A public apology made directly to Vuntut Gwitchin First Nation citizens and the community of Old Crow on our Traditional Territory.
- (2) A public inquiry into the direct and systemic factors that contributed to and resulted in the making of the release order by a Justice of the Peace of the Territorial Court of Yukon and role of the Royal Canadian Mounted Police in the Vuntut Gwitchin First Nation Traditional Territory historically and today during an ongoing global crisis of violence against women and girls.
- (3) Urgent and sustained efforts to eliminate and prevent the ongoing genocide of Indigenous women, girls and LGBTQ+ people within Canadian society, including through taking the following actions:
 - (a) immediate provision and delivery of community wellness supports, counselling and aftercare on a permanent and ongoing basis for any Vuntut Gwitchin First Nation citizen affected by the release order;
 - (b) “opportunities for the well-being of Citizens equal to those of other Canadians and to providing essential public services of reasonable quality to all Citizens” as committed to nearly 30 years ago by “Her Majesty the Queen in Right of Canada as represented by the Minister of Indian Affairs and Northern Development” and “The Government of the Yukon as represented by the Government Leader of the Yukon” as a fundamental principle in our relationship with each other;
 - (c) ending all discrimination against children, women, girls and LGBTQ+ people of the Vuntut Gwitchin First Nation and their families, including full implementation of Jordan’s Principle and the orders of the Canadian Human Rights Tribunal in guaranteeing a level of essential services for all Vuntut Gwitchin First Nation citizens that is at least equal to those available to “other Canadians”; and
 - (d) fairness and respect for Vuntut Gwitchin First Nation law and self-determination including our responsibilities for maintaining peace, safety and security and administering justice in the Vuntut Gwitchin First Nation Traditional Territory.

We welcome and encourage you to visit our community of Old Crow, Yukon, to hear directly from the community living with the effects and consequences of these decisions. Actions speak louder than words.

Sincerely,



Chief Dana Tizya-Tramm

VUNTUT GWITCHIN FIRST NATION